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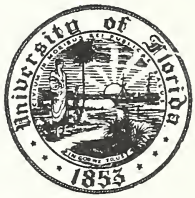

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1939

CHETHAM MISCELLANIES

NEW SERIES. VOL. VII

CONTAINING

THE CHETHAM SOCIETY: A RETROSPECT.

THOMAS SOTHERON *v.* COCKERSAND ABBEY: A SUIT AS TO THE ADVOWSON OF MITTON CHURCH, 1369–70.

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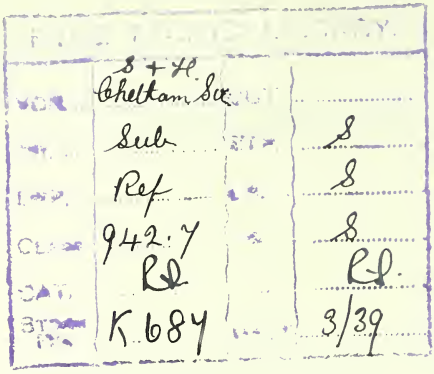
THE CHETHAM SOCIETY: A RETROSPECT

BY

JAMES TAIT, LITT.D., F.B.A.

MANCHESTER
PRINTED FOR THE CHETHAM SOCIETY
1939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THE CHETHAM SOCIETY: A RETROSPECT

THE issue of the hundredth volume of the second series of the publications of the Chetham Society has seemed to its Council a suitable occasion on which to look back upon its long and unbroken career of service to local history and literature. This second series is still always referred to as the New Series although it was begun well over half a century ago. When its first volume appeared in 1883 the Society was already forty years old and had published more than a hundred volumes. The story of the New Series cannot well be told without some retrospect of its predecessor and the origin of the Society.

ANTECEDENTS

The study of antiquities and local history in England goes back to the great changes in the early sixteenth century: the dissolution of the monasteries, the destruction or dispersal of their libraries and the rise of a new nobility and landed gentry anxious to carry back their pedigrees into a past which now seemed remote. These new interests, of which Leland, Stow and Camden were the chief pioneers, grew mightily through the seventeenth and eighteenth centuries. Unlike the new classical studies they formed no part of the *curricula* of the universities and they were for the most part left to amateurs, good, bad and indifferent. The results of local research were destined to be embodied in county and borough histories compiled by the more industrious antiquaries. Co-operation was still in its infancy. The short-lived Elizabethan Society of Antiquaries was indeed permanently revived in 1717, but local co-operation, where it existed at all as a formal

association, took the shape of exclusive groups like 'The Gentlemen's Society' of Spalding, founded in 1710 by Maurice Johnson who promoted, less successfully, similar societies at Stamford, Peterborough and Boston. Societies like ours, as distinguished from those without restriction to a particular locality, first appear in the thirties and forties of last century when two were founded in quick succession. The earlier was the Surtees Society established in 1834 in honour of Robert Surtees, the historian of Durham, then recently deceased, for the publication of manuscripts relating to the region of Northern England corresponding to the old kingdom of Northumbria. This and the Camden Society, founded in 1838, though that had no local restriction, were doubtless the models which a little group of Manchester men had in mind in the foundation of the Chetham Society in 1843 for the publication of *Remains Historical and Literary connected with the Palatine Counties of Lancaster and Chester.*

Foundation and Organization

In the early forties of the last century Manchester, despite the vast increase of its population by the Industrial Revolution, had not entirely ceased to be inhabited by its leading citizens. There had been a drift of the wealthier to the more healthful heights of the Crescent, Salford, and of Ardwick Green and the new Victoria Park at Rusholme was opening up a more distant southern suburb. But professional men and some of the more conservative manufacturers such as the Grants, the Cheerybles of Dickens, still lived on the edge of the old town, in Mosley Street and its tributary arteries, dated by some of their names, George Street, Charlotte Street and York Street. In this small area were still aggregated nearly all the institutions which ministered to the intellectual and recreational needs of a compact society of doctors, lawyers, bankers and manufacturers. The Concert Rooms had already been removed to Peter Street, to be soon followed by the chief of the two

theatres in Fountain Street after a fire in 1844. The Nonconformist College which had provided higher education for others as well as their clergy had been transferred to York, but the Royal Institution, now the Municipal Art Gallery, the Portico Library and the Assembly Rooms, were all in Mosley Street. In George Street was housed the Literary and Philosophical Society, founded in 1781, just about to lose its president and greatest member, John Dalton.

Such opportunities as this Society had ever given to men of a literary or historical turn did not extend beyond the reading and publication of papers and so did not meet the desires of those who wished to preserve in print local records and literature. The most active of these was James Crossley, a local solicitor of wide literary tastes, who had more than a local reputation since his first article, on Sir Thomas Browne, printed in *Blackwood's Magazine* before he was out of his teens. Now forty-three years of age, he was by accident of birth a Yorkshireman, but his father and his family had lived near Burnley.

It was characteristic of a full-blooded dining age that it was at a dinner at Crossley's house in January 1843 that the decision to form the new society was taken. As he long after revealed that the president, vice-president and secretary who were elected at the general meeting called for 23 March to form the Society, were among his guests, we may feel sure that everything was pretty well cut-and-dry before they dispersed.

After a general approval of the suggested Society, the first business of the March meeting was to approve the rules constituting it and providing for its working. There can be few societies, if any, which have been carried on so long with so few rules. There were only seven and these were at an uncertain, but now distant, date reduced to six by the abolition of life-membership by payment of a sum equal to ten years' subscriptions. That these, with a liberal interpretation in

two cases, remain in force nearly a hundred years later is good evidence of the wisdom of the founders and the peaceable disposition of our local antiquaries and historians. The number of members was limited to 350 and these were obtained so easily that at the first annual meeting in 1844 a suggestion was made that the number should be raised. It was pointed out, however, that there were not more than twenty actual applicants, who would be admitted as vacancies occurred, and no motion was made. In these latter days the original maximum is regarded as an unattainable ideal despite the admission long ago of libraries as members. It need hardly be said that the 350 of 1843 were far from being all ardent local antiquaries. No selection had been possible and many, probably the majority, had joined from social considerations or a sense of duty. It is recorded that one of the former type on looking into his copy of the first volume of the *Coucher Book of Whalley Abbey* exclaimed, "What in the world do they mean by printing such stuff as this!"

Rule 3 provided that the affairs of the Society should be conducted by a Council consisting of a permanent President and Vice-President and twelve other members, including a Treasurer and Secretary, all of whom, with the exception of the President and Vice-President, should be elected at a general meeting of the Society.[1] Dr. Edward Holme, one of the leading physicians of the town and the recognized head of all its literary and scientific societies, was elected president, the Rev. Richard Parkinson, canon of Manchester, vice-president, William Langton, banker, treasurer and William Fleming, M.D., secretary. Holme, who was seventy-three years of age, died in 1847 and was succeeded by Crossley who held office until his death, thirty-six years later.

An imposing list of seventeen patrons of the Society was

[1] This last sentence being ambiguous was later amended to read: "the first two at the general meeting next after a vacancy shall occur, and the twelve other members at the general meeting annually."

obtained, and appeared occasionally, with necessary changes, in the volumes. It was headed by the Archbishop of Canterbury followed in due order of precedence by peers and eldest sons of peers, bishops, barons and mere members of Parliament. In 1857 it was proposed to include Miss Eleanor Atherton, of Kersal Cell, the last direct descendant of John Byrom, who was defraying the whole cost of printing his *Private Journal and Literary Remains*, but the conservative president ruled that "it was not customary to elect lady patronesses in a society of this nature." His objection was, however, ultimately overruled or withdrawn, for Miss Atherton appears at the end of the list in 1863.

The choice of a name for the Society was obvious. There could be no other than that of the founder of the famous library which, in days before the growth of other great Manchester libraries, was the constant resort of its bookmen.

The second rule of the Society fixed 1 March, unless it fell on a Sunday, as the date of the annual general meeting and was for many years fairly strictly observed, exceptions being marked as adjournments from 1 March, a device which became common form under a non-resident president whose convenience had to be consulted. After the death of Christie, the third president, in 1901 it was dropped.

The constitutive general meeting had been held, appropriately, in the reading-room of the Chetham Library, but the Society did not meet again in the Hospital for twenty-three years. From 1844 to 1847 its annual general meetings were held in the theatre of the Royal Institution and afterwards until 1850 in the large room of the Literary and Philosophical Society's house in George Street. But both these societies became afraid of being thereby rendered liable to taxation and, after one meeting in the Mayor's Parlour and a last one in the Royal Institution in 1852, the Society found refuge for thirteen years in the Palatine Hotel which then occupied the unlovely buildings that conceal Chetham's Hospital from

Victoria Street. In 1866 they moved round the corner into the audit room of the Hospital, which, thanks to the generosity of the Feoffees, has become their permanent meeting-place.

In expressing the thanks of the Society to them (he had been of their number since 1855) Crossley, with characteristic conservatism, said that their new surroundings were more in character with their proceedings than was their usual place of meeting, where before their eyes was the great enemy of all antiquarian edifices and even of antiquity itself—the railway. The meetings were held at noon, not in the afternoon as has now long been customary.

At the first annual general meeting in 1844 there was an attendance of about fifty, including the Council, but though novelty and the very full reports given by the local newspapers over a long period may have kept up the numbers for a while, they had sunk by the eighties to a dozen or twenty and at the present time few but members of the council attend. With the growth of library subscriptions, private members are in a minority and most of these live outside Manchester and its immediate area. The late C. W. Sutton when secretary used sometimes to hide the bareness of the land by inviting non-members to the meetings. Twice in its history the Society has dined together or proposed to do so. In 1884 a dinner was actually held, but that arranged to commemorate the jubilee of the Society in 1893 fell through owing to the inability of the president to be present. It is perhaps worth noting that, while in 1884 the tickets costing 10*s.* 6*d.* included wine, in 1893 they did not.

At the present day the Council normally meets only once a year just before the general meeting, but as far back as its minutes are extant their meetings were rather more frequent. In the early years they met at one another's houses and mingled social intercourse with business. Later when Christie, the Chancellor of the diocese of Manchester, was president and

Sutton, the chief librarian of Manchester, secretary, occasional meetings were held at the Diocesan Chambers or the Free Reference Library.

The Old Series

A good start was made with the first volume issued to the members in 1844: *Travels in Holland, the United Provinces, England, Scotland and Ireland, 1634–1635*, by Sir William Brereton, baronet, of Handforth, edited by Edward Hawkins, keeper of antiquities in the British Museum, best known as the author of *Silver Coins of England*, then recently published. The decision to give the subscribers so many as three volumes a year proved burdensome, especially at first, when there were annoying delays in publication and changes from announced plans. But as soon as volumes could be put in hand well ahead of publication and fresh editors were enlisted these difficulties were minimized. They were never quite overcome, however, for in March 1859 it was remarked as an extraordinary event that all three volumes for 1858–9 were already in the hands of members.

From the first the Council had a wider choice of editors than falls to the lot of their twentieth-century successors. Local history, genealogy and bibliography then engaged the attention of a considerable number of able, if not always adequately trained, scholars. Of the twenty-six editors who contributed over a hundred volumes in the forty years 1843–83, excluding contributors to Miscellany volumes only, no fewer than eighteen were found worthy of inclusion in the *Dictionary of National Biography*. How far the list was, in some cases, suggested by the then secretary Sutton, who was generally the biographer, we cannot say, but about the majority of those included there can be no doubt. Hawkins and Ormerod, the historian of Cheshire, were the most distinguished, but only contributed a volume or two. The great props and pillars of the Old Series of the Society's publications

were the Rev. F. R. Raines, perpetual curate of Milnrow and honorary canon of Manchester, who was responsible for seventeen volumes and John Harland, a reporter on the *Manchester Guardian*, who contributed fourteen. Raines with tireless industry had filled forty folio volumes, now in the Chetham Library, with transcripts in his neat hand of a great variety of local records. At the general meeting in 1858, being put down by the president as editor of two more volumes for the Society, he " thought he ought to rest awhile." The president merrily retorted that " the only respite that could be allowed Canon Raines was from one kind of work to another." Harland's chief contributions were his *Mamecestre*, which with his other volumes on Manchester first made possible study of the early history of the manor and town, and his transcript of the *House and Farm Accounts of the Shuttleworths of Gawthorpe*. The Rev. Thomas Corser, rector of Stand, near Whitefield, has the same number of volumes as Harland to his credit in the Society's list, but he only edited the first five [1] of the eleven parts of the *Collectanea Anglo-Poetica*, a bibliographical and descriptive catalogue of a portion of his immense collection of early English poetry. The contributions of William Beamont, a Warrington solicitor (*d.* 1889 in his ninety-third year), mainly to the history of his town and its neighbourhood, place him third with eight volumes. Canon Parkinson and Crossley come next with seven each,[2] Parkinson's being editions of the autobiographies of the seventeenth-century Nonconformists Adam Martindale and Henry Newcome and of the private journal, etc., of John Byrom. Thomas Heywood, a retired Manchester banker, and W. A. Hulton, a Preston county court judge, come next with five volumes. Hulton's edition of the *Coucher Book of Whalley Abbey* in four volumes was his main contribution. A general index to the first thirty volumes, compiled by C. E. Simms, the head of

[1] Crossley editing a further five.

[2] Including in Crossley's case his continuation of Corser's *Catalogue*.

the firm which printed the Society's volumes for sixty years, was issued in 1863.

Of the twenty-six editors, eight were clergymen, four or five lawyers, four bankers, two landowners and the rest included a doctor, a geologist, a librarian, a reporter, a merchant, a manufacturer and an employé in a business house. This well illustrates what has been said above that the study of local history was as yet unacademic, though the learned professions naturally figure largely in the list.

The New Series

As the fortieth year of the Society drew near, it passed through the most critical time of its history. It is briefly described in the Council's report for the Jubilee year 1892–3, which was evidently drawn up by Christie, Crossley's successor, to whom the successful surmounting of the crisis was mainly due:

> With the thirty-ninth year of the Society's existence (1881–2) the First Series of its publications came to an end. Five volumes, besides the General Index from vol. **31** to the end of the First Series, were then in arrear; no other volume had been commenced or even decided upon; the older members of the Council were unwilling to give it their further assistance, and thought, perhaps not unnaturally, that the Society should come to an end. Happily other counsels prevailed, the venerable President consented to the continuation of a Society with which his own name and his literary reputation were so closely connected; competent and zealous editors were found for works of acknowledged interest and a New Series of publications was decided on. For several years, however, the Council had the double work of not only making up the arrears of the Old Series, but of superintending the publication of the volumes for the New Series, and necessarily for some years the arrears increased. In 1888 the last volume of the Old Series was issued. Several causes have hitherto prevented the completion of that Series by the publication of the Index volume, but to-day the Council has the satisfaction of issuing to the members this long-promised and long-delayed Index to the last eighty-four volumes of the Old Series, as well as two volumes of the New Series.

In the thirty-ninth year of the Society the president was in his eighty-second year and, although he was accustomed to say that its guidance had kept him alive, he had been so much its life and soul that he doubted whether without that guidance it could be kept alive when he was gone. He had acted as general editor from the first and had read the proofs of more than a hundred volumes, often adding notes of his own, which explains why, leaving out of account contributions to Miscellanies, he himself only contributed seven volumes and left the third volume of his *Diary and Correspondence of Dr. John Worthington* undone at his death, nearly thirty years after the publication of the second. It was in fact the oldest of those arrears of the Old Series of which the report just quoted complains. As far back as 1865 the Dean of Manchester in moving a vote of thanks to him had concluded his eulogy with " and, except in one or two particulars, unsurmountable industry " which caused some laughter and Crossley in his reply said he had held back the Worthington for a short time to afford opportunity for completing other works. He could complete it in a short time and would promise them that it should shortly be finished (applause). He was almost the last survivor of the original Council and editors. The loss of Harland (*d.* 1868) and Raines (*d.* 1878), his most active editors, and Langton (*d.* 1881) [1] must have been severely felt by him. Raines left unfinished or hardly begun three of his important compilations, the " Vicars of Rochdale ", " Rectors of Manchester and Wardens of the Collegiate Church " and " Lives of the Fellows of the College of Manchester " and no editors had so far been found for them. With the exception of John Eglington Bailey the few more recent recruits hardly promised to equal their predecessors.

Crossley presided at his last Council meeting on 20 April 1883 and signed the minutes of the previous meeting in his large,

[1] William Langton, a banker, had been treasurer and secretary and had edited several volumes. See *D.N.B.*

firm handwriting. He died on 1 August partly as the result of an accident in London a few months before. His character, conversational and other gifts and his peculiarities have been so fully recorded by contemporaries and his striking appearance so faithfully reproduced in Walker's portrait in the reading-room of the Chetham Library that there is no need to enlarge upon them here. It may be admissible, however, to quote, from a newspaper report, Canon Raines's testimony to his geniality and tact in dealing with his editors. He was the very reverse, Raines said, of the general editor who is reported to have said: "I'd sooner drive a team of tigers than a team of editors." His Johnsonian figure and fresh complexion even in his last years were familiar to me in my youth when living in Cheetham Hill and passing his book-crammed dwelling, Stocks House, Cheetham, on my way to Owens College and, if my memory does not deceive me, I once came upon him seated in the small shop of a second-hand bookseller in Oxford Street, which he seemed nearly to fill, turning over books which the proprietor was submitting to him.

Christie now became president of the Society,[1] but this only confirmed the leading position he had occupied since the decision to continue it was taken more than a year before. Crossley's acceptance of the situation had preserved some formal continuity of personnel, but Beamont, the vice-president, who was three years older, resigned and gave up his membership on the plea of age and infirmities and Richard Henry Wood, who had been secretary for fourteen years, also resigned office, though he remained a member until 1894. Christie was elected vice-president and Eglington Bailey secretary. Under the new direction the double task of working off the arrears of the Old Series and providing annual volumes for the New Series was vigorously taken in hand. The collections left by two former editors, Canon Raines and the Rev.

[1] Canon Stubbs, the eminent historian, then bishop-elect of Chester, was offered and accepted the vice-presidency.

G. J. Piccope, of Brindle, near Chorley, Lancs., somewhat eased the early stage of the latter task and the first volume of Raines's *Vicars of Rochdale* was issued in 1883 as the first of the New Series. Time was further gained by entrusting the editing of a reprint of Warden Vaux's *Catechisme, or a Christian Doctrine necessary for Children and Ignorant People*, 1574, to an expert who was not a member of the Society, T. G. Law of the Signet Library, Edinburgh. One volume of the arrears, *The Visitation of Lancashire and part of Cheshire in 1533*, left nearly complete by William Langton, was issued before the annual meeting in March 1883 and by 1886 Christie himself finished the *Diary and Correspondence of Dr. John Worthington* which Crossley had left so long untouched. It was still two years before the last arrear was wiped out, though incompletely owing to the illness and death of its editor Bailey and perhaps earlier to a want of historic proportion which, according to Christie, "sometimes led him to delay a partly printed volume for a long time and even to have portions of it more than once reprinted for the purpose of inserting some minute details of no special interest." One arrear indeed, but of a different kind, still remained outstanding. The progress of the second and final volume of the General Index to the Old Series ran far from smoothly, and, as has been seen, it was not completed until 1893.

The New Series, initiated by the Council on 5 October 1882, at once introduced new editors. Of the old, Bailey, Renaud and Fishwick alone continued to contribute, the two former mainly as editors of Raines's unpublished work, and Bailey, whose biography of Thomas Fuller had shown him more than a local historian, died prematurely in 1888 at the age of forty-eight. The new editors included besides the president, who had however long been on the programme for a volume in the Old Series which never saw the light, (Sir) Henry Howorth, who is better known as the versatile author of a *History of the Mongols*, a *History of the Early English Church*, and a mono-

graph on the Mammoth; J. P. Earwaker,[1] who had recently (1877–80) published his *History of East Cheshire*; the Rev. J. C. Atkinson who edited the second extensive monastic chartulary printed by the Society, the first part of the *Coucher Book of Furness Abbey* in three volumes; and Canon Bridgeman, rector of Wigan, who contributed a *History of the Church and Manor of Wigan* which ran to the same number of volumes.

More important for the future of the Society was the connexion now first established with the Owens College, which had just recently (1880) been promoted to university rank. Christie had been professor of history in the College in its early days and continued to maintain friendly relations with its staff, especially with his successor Dr. Adolphus Ward, who was beginning to build up an honours school of history. Christie lost no time in enlisting their support, and among the new members elected in 1884–5 were Ward, J. G. Greenwood, the principal and professor of Greek, and T. N. Toller, professor of the English Language. Ward was almost immediately placed on the Council and Toller somewhat later. Toller edited the nineteenth volume, *Correspondence of Edward, Third Earl of Derby, during the years between 24 and 31 Henry VIII.* Ward contributed an edition of the *Poems of John Byrom* in five volumes. One of his pupils and an early graduate in history, who was also Berkeley Fellow of the College, Wm. A. Shaw, was called in to edit a class of records which was one of the many projected publications of the Old Series that remained unexecuted. In 1888 Shaw completed the first of three volumes (**20, 22, 24**) of his edition of *The Minutes of the Manchester Presbyterian Classis, 1646–1660* and later, some time after that was finished, followed it with *The Minutes of the Bury Presbyterian Classis, 1647–1657* (vols. **36, 41**). A friendship arose between the president and his young coadjutor, who after his death published a memoir and a biblio-

[1] Earwaker and Howorth were on the Council in 1881–2 and with Bailey and Fishwick were Christie's active supporters.

graphy of his works. Another distinguished history graduate from the College, Miss Alice M. Cooke, edited the *Act Book of the Ecclesiastical Court of Whalley*, which Joseph Hall, the learned headmaster of the Hulme Grammar School, had undertaken for the Old Series, but never found leisure to carry through. Up to and including this volume (**44**) members of the College had contributed exactly one-fourth of the volumes of the New Series and if we add Christie's final volume of *Worthington's Diary*, his *Bibliography of the Works Written and Edited by Dr. Worthington* (vol. **13**) and his *Old Church and School Libraries of Lancashire* (vol. **7**) the proportion becomes still higher. But valuable as this academic contribution had been, there were still plenty of competent editors of the older type available and from 1901 to 1916 the only contributions of members of Owens College, or the University of Manchester as it had become by the latter date, were two articles in a Miscellany volume.

The interest in genealogy, heraldry and bibliography which had been so strong in the earlier days of the Society had now somewhat waned, the heraldic visitations of the vicinity had almost all been printed, and apart from Christie's contributions to bibliography, and short articles in Miscellany volumes, these subjects have been mainly represented by family histories in local monographs. Reprints of rare books and the printing of manuscript biographies and diaries have become less common and generally the tendency has been to enlarge the historical element of the Society's work and reduce the literary. The parish and township histories which began in the fifties of last century with Booker's histories of four ancient chapelries in the parish of Manchester and were continued in the seventies by Fishwick's histories of Kirkham and Garstang and Renaud's monograph on the ancient parish of Prestbury, have increased in number in the New Series. Fishwick completed the parish history of the hundred of Amounderness (excluding Preston) with volumes on Poulton-le-Fylde, Bispham, St. Michaels-on-

Wyre and Lytham; the Rev. T. E. Gibson edited the *Crosby Records* left unfinished by Bishop Goss; and H. T. Crofton, a Manchester solicitor, continued Booker's work with histories of the ancient chapelries of Newton (Heath) and Stretford and of the township of Broughton. More recently John Weld and Richard Trappes-Lomax extended this survey to the hundred of Blackburn with monographs on Leagram and Clayton-le-Moors and Colonel Chippindall to the hundred of Lonsdale with histories of Arkholme, Ireby and Whittington. Mr. Sparke, chief librarian of Bolton, edited the *Township Book of Halliwell, 1640–1762*, a type of local record that had been much neglected, and Fishwick a *Survey of the Manor of Rochdale, 1626*. Town history represented in the Old Series by the work of Harland and Beamont on Manchester and Warrington is carried on in the New Series in Bridgeman's *History of the Church and Manor of Wigan* and W. O. Roper's *Materials for the History of Lancaster*, while the records of the portmoot of Salford, so far as they are known to be extant, have been printed by the late Alderman Mandley and myself in vols. **46, 48, 80** and **94.** The excellent edition of the Admission Register of the Manchester Grammar School by Finch Smith in the Old Series has been followed by the publication of the records of Blackburn Grammar School, edited by G. A. Stocks, a former headmaster, and the first part of a history of Clitheroe Grammar School, edited by C. W. Stokes, its present headmaster. And here it will be most convenient to mention the *Life of Humphrey Chetham* which, as was dutiful, was one of the earliest projects of the Society. Its non-appearance had been described in 1852 by Corser as "almost a reflection" on them. Entrusted to the overburdened Raines, it was left unfinished at his death and rather later undertaken by Sutton and after many years' delays, due to the vast number of documents to be gone through, was at last issued in 1903, sixty years after the first suggestion!

Ecclesiastical history—apart from incidental treatment—has

received full justice. In monastic history there have been added to the records of Penwortham Priory, the *Coucher Book of Whalley Abbey* and a rental of Cockersand Abbey printed in the Old Series, Farrer's edition of the very full chartulary of the latter abbey, Atkinson and Brownbill's *Coucher Book of Furness Abbey* and my *Chartulary of St. Werburgh's Abbey, Chester,* fifteen volumes in all. To which must be added the "Chartulary of the Priory of Lancaster" included in Roper's *Materials for the History of the Church of Lancaster* (vols. **26, 31**). The hope expressed when the Cockersand chartulary was being printed that the register of Burscough Priory, the only remaining local chartulary, would soon follow has unfortunately not been realized and the charters of Lytham Priory collected by Farrer still await an editor.

In a time of declining membership [1] the Society would not have been able to meet the cost of printing the great *Furness Coucher* but for generous financial assistance from wealthy members. The then Duke of Devonshire defrayed the whole expense, nearly £600, of printing the first (original) volume which at that time was all that remained in England, in the British Museum, the second having been sold by Lord Ashburnham to the German Government, but while it was being printed, the lost volume was re-purchased for this country by the Museum and the chartulary was again complete after a long separation. Nearly thirty years later, the Society printed the restored volume at the sole expense of Farrer.

The jurisdiction of the monasteries is illustrated by Miss Cooke's edition of the *Act Book of Whalley* already mentioned and their dissolution by Canon Wallis's transcription of the indictments of the traitors of Whalley and Cartmel in 1536–7 (vol. **90**). Fishwick completed Bailey's *Inventories of Goods in the Churches and Chapels of Lancashire, 1552* (vol. **47**). Various light is thrown on ecclesiastical history in the sixteenth

[1] The number of subscribers in 1893 was 240; from 1889 the number of annual volumes was reduced from three to two.

and seventeenth centuries in volumes which, besides those already mentioned, include the *Apostolical Life of Ambrose Barlow* and a *List of Clergymen in the Diocese of Chester, 1691*, both in Miscellany volumes (**63, 73**). Mr. Axon has in vol. **97** at last honoured an ancient promise of the Old Series by his *Oliver Heywood's Life of John Angier of Denton, together with Angier's Diary*, etc.

Church architecture is represented by Canon Atkinson's publication of Sir Stephen Glynne's *Notes on the Churches of Lancashire and Cheshire* (vols. **27, 32**).

The needs of the genealogist have not been overlooked. Apart from material in parish histories, etc., two volumes of Lancashire and Cheshire wills and inventories, at Chester and elsewhere, were printed by Earwaker and J. P. Rylands and the Dunkenhalgh, Ewood and (in part) Shuttleworth of Gawthorpe deeds have been transcribed and printed. Memoranda of Oswald and Nicholas Mosley of Ancoats, with a genealogical introduction by Mr. Axon, are included in Miscellany volume I (**47**).

Contributions dealing with local areas wider than the parish include Mr. Porteus's revision of the feudal history of *Leyland Hundred* as given in the *Victoria History of Lancashire* and my *Taxation in Salford Hundred, 1524–1802*. Materials relating to one or other of the two palatine counties as a whole are printed in my *Domesday Survey of Cheshire* and *Lancashire Quarter Sessions Records, 1590–1606*, Professor Ekwall's *Place-names of Lancashire*, Mr. Stewart-Brown's *Chester County Court Rolls, 1259–1297*, Colonel Parker's *Lancashire Palatine Plea Rolls, roll I*, Mr. Cantle's *Pleas of Quo Warranto for the County of Lancaster*, two volumes of biographies of the knights of the shire and burgesses for Lancashire by Mr. Hornyhold-Strickland and Mr. J. S. Roskell, differing in scope and treatment, and Mr. H. J. Hewitt's study of the economic history of Cheshire in the Middle Ages.

Mr. Hewitt's book and Dr. Tupling's more local but broadly

based *Economic History of Rossendale*, like Professor Ekwall's *Place-names*, brought within the purview of the Society new and fruitful aspects of local history. A further field is entered in a forthcoming volume by Mr. F. Walker, like Mr. Hewitt a graduate of Liverpool University, which works out the influence of the geography of South-West Lancashire upon its history.

The close connexion of the Society with the School of History in the University of Manchester in the early years of the New Series has been continued and extended. There has only been one break in the tenure of the presidency by past or present members of its staff and during that period the vice-president was a professor of the University. On the death in 1901 of Christie, the second founder of the Society, as he may fairly be considered, Bishop Stubbs, the vice-president, was offered and accepted the presidency, but he died before election and Ward succeeded his old friend and held office until 1915 when he resigned. The connexion was maintained by my term of office and though interrupted for thirteen years by the presidency of our late energetic and genial head, Colonel Parker, has been renewed and enlarged by the changes consequent on his death and, shortly before, that of the vice-president, Professor Daniels. With the election of Dr. E. F. Jacob, professor of medieval history in the University, as president and of Dr. G. H. Tupling its special lecturer in local history, as vice-president, both offices are for the first time held by members of the University staff. Mr. Broxap, who has been honorary secretary of the Society for not far short of twenty years, succeeding Sutton, and four of the ten non-official members of the Council are graduates of the University. If this representation seems to be disproportionate to the twenty-one volumes out of the hundred which members of the University have contributed, it is not for want of efforts to keep the proportion more exact. It has to be remembered too that several volumes have been contributed by non-members, e.g.

the second half of the Furness Coucher Book edited by Brownbill for Farrer and Professor Ekwall's Place-names book. Colonel Parker's success in finding editors for North and East Lancashire material has been marred by the early death of Mr. Trappes-Lomax and for that and other reasons this source does not seem likely to be so fruitful in future, while elsewhere the old sources of editors appear almost to have dried up. Social changes and the ever-growing complexity and hurry of modern life chiefly account for this. Professional and business men, such as those who contributed most of the 114 volumes of the Old Series, have now no leisure for local history and, were it not so, might well be deterred by the higher standards which the development of scientific historical study have imposed upon local investigation. Country gentlemen with a historical bent and sufficient leisure may adjust themselves to these standards, as Farrer and Colonel Parker did, but they will be few. One may sentimentally regret the passing of the better type of antiquary, such as Raines and Harland and Bailey. They were enthusiasts and made available a vast amount of local material. That task is by no means yet completed, but the work which lies before the local historian now consists as much or more in interpretation as in accumulation and in interpretation the pioneers were of necessity weak.

The wider conception of the work of the local historian and the local society undoubtedly restricts the number of those who enter upon this branch of historical investigation. Nevertheless local subjects are now not infrequently chosen for post-graduate theses in English universities and, as the commercial publisher looks askance at them, several which deal with the province of the Society have been offered to it and accepted for publication. This was the origin of Dr. Tupling's *Rossendale* volume and of Mr. Hewitt's on *Medieval Cheshire*. More recently the Society has published two theses, those of Messrs. Cantle and Roskell, which were done under the direction of

Professor Jacob. Much too may be hoped from the growth of departments in the universities which, like Dr. Tupling's at Manchester, shall provide evening courses in local history and so open a wider door to those who have a bent for research of this kind and only need training.

Finding myself turning from retrospect to prospect, it will not be amiss to conclude with one or two suggestions as to future work. There are two obvious *desiderata*. One is a general index to the New Series. But will that be possible? It would of course be a very heavy and costly task, all the more so because no part of the Series has been indexed in advance of the rest, as was done in the case of the Old Series. The difficulties encountered with the second volume of that index, which after all was not regarded as satisfactory, seem to have induced a feeling that the longer a continuation was deferred, the better for all concerned. On the other hand, the art of indexing is better understood now than in the eighties of last century and there is no doubt that without such an index the publications of the Society since 1883 cannot attain their full usefulness. One difficulty of the indexers of the Old Series would not recur. Many of the volumes were issued unindexed and these had to be made before the general indexer could get to work.

More easily dealt with is the second *desideratum*, a greater attention to Cheshire history. The elder county palatine has certainly come off very much second best in the publications of the Society. Of the 109 volumes of the Old Series, excluding Miscellanies, only 19 are wholly or in part devoted to Cheshire, and of the 93 of the New Series, with the same exclusion, only 9. In considerable part, no doubt, this inequality is due to the relative scarcity of material for Cheshire history. Owing to the early date and completeness of the regality, it only very slightly appears in the national archives and its own have sustained grievous losses. But a more effective cause of the comparative neglect of Cheshire material is that, with

a few notable exceptions, the contributors have been wholly or mainly interested in the history of Lancashire.

In the early years of the Society, especially at first when George Ormerod and Edward Hawkins, who was born at Macclesfield, were active members, more regard was paid to the claims of the sister county. Two of the first three volumes issued were more or less closely connected with Cheshire. The first large undertaking of the infant Society was the publication of the *Notitia Cestriensis* or Survey of the diocese of Chester of Bishop Gastrell (1662–1725) edited by Raines. The charters of Stanlaw Abbey were included in the *Coucher Book of Whalley Abbey*, the Cheshire community having been removed to Lancashire in the thirteenth century. The chartulary of St. Werburgh's Abbey, Chester, the early Cheshire chronicle known as "Annales Cestrienses" and the "Liber Luciani de laude Cestrie" (*c.* 1195, "one long sermon disguised as a guide-book") were placed upon the list of materials for early publication. Nothing was done, however, the cost of transcripts being probably deterrent, and ultimately all three projects were taken over by the Record Society of Lancashire and Cheshire which was founded a few years before the beginning of the New Series of the Chetham Society. After some further delay it published the *Annales* in 1887 with Christie as editor and the *Liber Luciani* in 1912 edited by Miss M. V. Taylor. But owing to circumstances arising out of the Great War the Chetham Society was able to reclaim the Chartulary of St. Werburgh's and issued it in two parts in 1920 and 1923. Nothing relating to Cheshire except a short article in a Miscellany volume was published between 1850 and 1869 when the tracts interchanged in what a contemporary humorist called the "high and mighty" controversy between Sir Peter Leycester and Sir Thomas Mainwaring as to the legitimacy of Amicia, daughter of Hugh Cyveliok, Earl of Chester, Mainwaring's ancestress, were reprinted under Beamont's editorship. The Cheshire interest was kept a little more alive in

the last years of the Old Series, though the only volume wholly devoted to it was Renaud's *History of the Parish of Prestbury*. For over thirty years the New Series made no improvement on this state of things. Between 1883 and 1916 only two purely Cheshire volumes appeared, Sir Stephen Glynne's *Notes on the Churches of Cheshire* (vol. **32**) and Canon Atkinson's reprint of *Tracts relating to the Civil War in Cheshire* (vol. **65**). The publication of the *Domesday Survey of Cheshire*, the *Chartulary of St. Werburgh's*, the *Chester County Court Rolls* and *Medieval Cheshire* between 1916 and 1929 did something towards redressing the balance, but for the last nine years Lancashire has monopolized the attention of the Society.

There is a pressing reason why the Society should do more for Cheshire in the near future. The want of a history of the county on modern lines is more and more felt. Some little time ago a local movement was started to fill this gap, inspired chiefly by Mr. W. J. Varley of Liverpool University and Dr. Wilfrid Jackson of the Manchester Museum; plans for a co-operative work were got out and distribution of the sections was begun. It was found, however, that the Committee of the Victoria County Histories had not finally abandoned the inclusion of Cheshire in its long series and, as there was no room for two histories on the same lines, the promoters agreed to hold their hand in the hope of an early resumption of the original design. This further postponement will not be time wasted if it is used to complete the spade-work which must be done if the future history is to be entirely adequate. On the side of medieval history a firm foundation has been laid, but a good deal remains to be done. The Chetham Society can at present do no more useful work than to encourage local investigation by printing materials still in manuscript and competent studies of aspects of Cheshire history which have hitherto been rather neglected.

Note on Sources

The minutes of the Society's proceedings, so far as they are extant, begin with those of a Council meeting on 30 March 1882, in which Beamont resigned the vice-presidency and Wood the secretaryship and Christie and Bailey were appointed in their places. The New Series was started by an order of the next Council meeting, held on 5 October in that year. For the foundation of the Society and the history of the Old Series we have to rely upon the reports of the Council and lists of members and volumes published which were included in these from time to time, together with newspaper reports of the proceedings at the annual meeting. These latter, which are very full, including speeches and discussions that reveal more of personalities and the conduct of the Society than the formal Council reports, are conveniently preserved in a small volume of press cuttings chiefly from the *Manchester Guardian* from the first annual meeting in 1844 to the twenty-third in 1866, with a few gaps originally which were later filled up by C. W. Sutton when secretary, who also made certain additions. In the note on the first page in which he mentions this, he states that the collection was begun by Dr. George Ormerod, and that it was continued after his death (1873) by the Rev. W. E. Buckley, at whose sale it was bought by Taylor & Son, booksellers, Northampton, from whom he got it in February 1895.

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THOMAS SOTHERON

v.

COCKERSAND ABBEY

A SUIT AS TO THE ADVOWSON OF MITTON CHURCH, 1369–70

EDITED BY

REV. JOSEPH McNULTY

B.A. F.R.Hist.S.

MANCHESTER

PRINTED FOR THE CHETHAM SOCIETY

1939

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THOMAS SOTHERON *v.* COCKERSAND ABBEY

A SUIT AS TO THE ADVOWSON OF MITTON CHURCH, 1369–70

Introduction

The existence of the document here edited was pointed out to me by Mr. Geoffrey Barraclough, M.A. It is Collectorie 417A of the Vatican Archives, Rome, and is a copy made for Thomas Sotheron of the steps by which he tried to recover Mitton Church from the canons of Cockersand Abbey, 1369–70. Written on loose leaves of paper and in a fairly good state of preservation, it is not complete and the folios in part have been wrongly numbered. The information, however, which it affords is extremely valuable, and its value is enhanced by the marginal comments made by Sotheron, in which he criticizes the appropriation of Mitton Church in 1338 and the motives alleged by Cockersand Abbey to bring about the union. Valuable also are the copies made from the York Registers to be used in the trial at Rome, and the procedure of the Sacred Apostolic Palace with its auditors, proctors, notary scribes and couriers.

About 1220, Robert, son of Hugh of Mitton, granted to the abbey of Cockersand the advowson of Mitton Church, on the Yorkshire side of the Ribble, part of the parish being in Lancashire.[1] This gift was confirmed, after some litigation, by Ralph, son of Robert.[2] In 1240 Abbot Richard granted to Ralph the presentation to the church for one turn, saving to

[1] *Cockersand Chartulary*, p. 520. The Chartulary covers 7 vols. in Chetham Society, New Series, vols. **38, 39, 40, 43, 56, 57, 64** (1898–1909). Farrer's transcripts are now in the Manchester Central Library, Farrer MS. 130; and for Cockersand Tithes, see MS. 197.

[2] *Chartulary*, 520–1.

the abbot and his successors the advowson after the death of the clerk Ralph should admit.[1] Accordingly Ralph presented William of Kirkham, instituted by letters dated 26 Dec. 1241.[2] Upon Kirkham's death Ralph sought to present a second time but failed, and William of Rotherfeud was admitted 23 April 1256.[3]

On 30 March 1260, Cockersand Abbey obtained an indulgence from Pope Alexander IV, to such penitents as should visit the abbey church upon the feasts of St. Mary and of the dedication of the church.[4] In 1265 Rotherfeud was elected archbishop of York, but his election was quashed. Between 1292 and 1315 a further release and confirmation of Mitton Church were made by John, son of Jordan, son of Ralph of Mitton, after inspection of the deeds.[5]

Ralph held the manor of Mitton in 1284 under the Earl of Lincoln,[6] but granted it to Thomas le Surreys or Sotheron, who in 1312 settled the manor by fine upon himself for life, with remainder to his sons Thomas and Adam and their heirs in tail. In 1314 Cockersand Abbey secured from Edward I, at a cost of £40, licence to appropriate Mitton Church in mortmain to its own uses[7]; the inquest held at Bashall giving its yearly value as 80 marks.[8] About 1315 Thomas le Surrais released his right in the advowson[9] and his son Thomas made a similar release, 1325–42.[10]

The abbey suffered severely in the Scottish raid of 1316, and its assessment for tenths was reduced shortly afterwards.[11] A further raid in 1338, while William of Tatham was rector of Mitton, caused such damage to the abbey granges that the abbot, William Bosdon, went to Cawood and presented a petition for the appropriation of Mitton Church.[12] The arch-

[1] *Feet of Fines*, 1232–46, p. 76; Yorks. Record Series, vol. **67** (1925).
[2] *Gray's Register*, Surtees Soc., 66, p. 89.
[3] *Ibid.*, 122; *Chartulary*, 522–3. [4] *Ibid.*, 30. [5] *Ibid.*, 523–4.
[6] *Kirby's Inquest; Feudal Aids*, vi, 10. [7] *Chartulary*, 524, 1109.
[8] *Ibid.*, 1118. [9] *Ibid.*, 525. [10] Whitaker, *Whalley*, ii, 488.
[11] *Pope Nich. Tax.*, 308. [12] Nos. 35–6.

bishop, William Melton, ordered an inquiry and the abbot produced articles in support of his petition, and ten witnesses appeared whose depositions were taken.[1] After discussion between the archbishop and his dean and chapter, they found the reasons alleged for appropriation were valid and gave their consent, 21 July 1338.[2] A detailed statement of the value of Mitton Church was then submitted.[3]

Abbot Bosdon made a wide submission to the archbishop concerning the patronage of Mitton Church [4] and 31 October 1338, the archbishop gave his decree of appropriation, to take effect on the death or resignation of William of Tatham.[5] Accordingly a William of Bosden, secular chaplain, was instituted 10 May 1340, and he occurs as vicar of Mitton in October 1354.[6] The old vicar's manse evidently dates from this period. In 1341 the abbey obtained from Edward III a confirmation of their licence of 1314 to appropriate Mitton Church.

In 1363 Cockersand obtained papal dispensation to present for ordination a few canons in their twenty-first year, as the Order possessed but few priests on account of the pestilence. On 7 December 1367 Thomas Sotheron, priest, informed Pope Urban V (1362–70) that the church of Mitton was void by the death of William of Tatham, and that the abbot and convent of Cockersand occupied it on the pretext that it had been appropriated to them. The Pope ordered inquiry and if the church was found to be void, it was to be given to Sotheron, who was to resign that of Mundesley (Monnesley) in the diocese of Norwich. Armed with these letters Sotheron pressed his case and was actually inducted by John Lindley, abbot of Whalley, in August 1368. He was not allowed to

[1] Nos. 37–44. [2] No. 46. [3] No. 49. [4] Nos. 50–1.

[5] No. 52 ; a fuller English version in *Lancs. and Chesh. Antiq. Soc.*, vol. xl, 190–1, from the York Register (Melton, f. 218 (263)). Cf. Dodsworth MS. 28 (Bodl. Lib.), f. 97, from the same register.

[6] Winckley Deeds.

remain long in possession, for after a few months he was forcibly ejected by a Cockersand canon, at the head of armed men.

Thomas, however, had himself used force in expelling the canons. He and his brother John had, with many others, come armed and in array of war to the church of Mitton, and collected the tithes. The canons complained to the king who, on 24 September 1368, issued a commission to Richard Talbot, Alan of Caterall, John of Bailly and William de Burgh to arrest all those detaining the church.[1] As a result William of Thornton, Nicholas of Rimington, John son of Hugh del Hacking, William Yeoman, Walter Palfreyman, John Watson, John Howetson, Robert Walker and John del Halle were committed to prison in York Castle. They complained they were at the church for divine service as parishioners, in the peace of God and of Holy Church, neither armed nor arrayed to fight or make any resistance, nor offending against the king's peace in will or otherwise. On 20 October 1368 the king ordered another commission to enquire into their complaint and receive mainpernors for their appearance.[2] A further commission of 28 November, on information about Thomas of Sothern, clerk, and others, was to summon those indicted to appear in person and find mainpernors not to molest Robert of Pleasington, or any other of the king's people ; if they refused, to commit them to the gaol of York.[3]

Sotheron resolved to appeal to the Pope and in January 1369, petitioned Urban V to commit his case for judgement to one of the auditors of the Sacred Apostolic Palace. The Pope named Hugh Fabri to hear the case, cite the parties together with necessary witnesses, and do justice. A papal courier brought the petition and mandate to Hugh Fabri, who handed it to Peter de Aguerra, notary and scribe, to keep a record of the case and the auditor's decisions, supplying copies to the parties who asked for them.[4] Why Sotheron left his annotated copy in Rome is not evident. From his

[1] *C.P.R.*, 1367–70, p. 190. [2] *Ibid.*, p. 198. [3] *Ibid.*, p. 203. [4] Nos. 1, 2.

petition it is clear that he did not expect to receive the full complement of justice and he may have abandoned his claim when the transcripts from the York Registers were examined. A further possibility is that the return of the Pope to Avignon (5 September 1370), and his death there (19 December) may have brought the trial to an inconclusive end.

Sotheron requested the auditor to cite the abbot and convent of Cockersand, and this was granted on 30 January 1369.[1] The canons at Cockersand were: Jordan abbot, Roger of Nottingham prior, Richard of Preston subprior, Richard of York precentor, Matthew del Lee sacristan, Thomas of Burgh cellarer; and the brethren and canons, Robert of Newark, William of Ormesbank, William of Preesall, John of Eccleston, Thomas of Graystock, Robert of Poppleton, Roger of Manchester, and John of Sallay. On 30 September 1369 they proceeded to appoint three proctors; John of Sallay canon, William of Overton canon of Croxton, and John of Bukheved priest of York Diocese.[2] On 31 December William of Overton visited Peter de Aguerra at the auditor's home in Rome and produced his instrument of proctorship.[3] Early in January 1370, Overton appointed Bernard de Bugueto as his proctor at the Curia, and 30 January Bernard asked for Sotheron to be cited.[4] In spite of citation, followed by letters contradictory and letters compulsory, Sotheron was not to be found, having left Rome while the Curia was last in Viterbo.[5] The Cockersand proctors complained that the authorities at York had refused access to the registers for copies to be made of the documents necessary for the presentation of their case. On 15 February 1370 these were demanded under pain of excommunication.[6] A week later Overton reported that Sotheron had recently come to the Roman Court and he was duly cited by papal courier.[7] On 11 March, articles were presented by Bernard de Bugueto on behalf of Cockersand Abbey.[8] The

[1] Nos. 3, 4. [2] No. 6. [3] No. 5. [4] Nos. 7, 8, 9.
[5] No. 10. [6] No. 17. [7] No. 20. [8] No. 23.

articles stressed the damage caused to the abbey and its possessions by the western sea. Most of the abbey lands were stated to lie on or near the coast and were often damaged by flooding. The abbey had a constant stream of guests, and the exercise of a wide and general hospitality was a great drain upon its resources. The Scottish raid of 1338 had destroyed the abbey granges at Cowperthwaite, Hilderston,[1] Kellet, Ashton and Ellel, and the vill of Garstang. For seventy years and more the abbey had the right of patronage to Mitton Church and of appointing the rector, and in 1338 Abbot Bosdon sought and obtained the appropriation of the church from Archbishop Melton. The abbey entered into possession and had held the church quietly for thirty years until the present controversy.

Two days later Sotheron appeared before the auditor and appointed as proctors Hugh of Arlam absent and Herman of Ureden present. Herman lost no time in presenting articles, while Bernard de Bugueto asked for the return of his articles and presented them anew.[2]

The articles presented by Herman on behalf of Sotheron were thirty-two in number.[3] Mitton Church, it was stated, had been parochial for a century and more, with baptismal font, cemetery, parishioners and distinct boundaries. For half a century and more Cockersand Abbey had the right of presenting a secular clerk when the church was vacant. The rector in 1331–40 and before and after was William of Tatham, to the time of his death in 1360, which took place outside the Roman Court. Up to 20 December 1367 the abbey had neglected to present a secular clerk. As the church was vacant for over six months, by the statutes of the Lateran Council of 1215, the collation had legitimately devolved upon the apostolic see. Urban V had granted it to Thomas Sotheron by letters dated 7 December 1367, should the church be found truly vacant and the right to present appertained to none

[1] Co. Westmorland. [2] Nos. 24–5. [3] No. 26.

other.[1] The sub-executor of the papal letters found that the church was really vacant and conferred it upon Sotheron, who was duly inducted by John Lindley, abbot of Whalley. After some months of peaceful possession he had been forcibly ejected, with losses to a total value of 400 marks sterling. At the time Sotheron was in priest's orders, aged thirty years and more.[2]

Each proctor made a general condemnation of the articles brought forward by his adversary.[3] Herman declared that at the abbey were only an abbot and six canons, and that usually the number in the house did not exceed ten.[4] Without counting Mitton Church, the yearly income was 600 marks, which was more than ample for their needs. A list of the chief possessions of the abbey was given and it was shown that they were sufficiently distant from the sea to be safe from any danger of floods. In fact the sea was a great boon to the canons and on the one occasion that it caused damage to the abbey, the bill for repairs was only £20. As for travellers and pilgrims, the abbey was at least 4 miles from the main road ; visitors were few, and they by invitation or on business bent. Ten marks sterling would cover an average year's hospitality. For forty-eight years past it was matter of common knowledge that the abbey had been untouched by Scottish raids. Since the death of William of Tatham, one priest only had served the parish church of Mitton, with notable loss to the spiritual life of the parish. Any urgent necessity for the union of church and abbey had ceased since 1340.

On behalf of the abbey Bernard de Bugueto made a general condemnation of these articles. Herman asked for his opponents to produce their documents, for which letters compulsory had been addressed to York by the auditor in February.[5] On 13 August 1370 the abbey appointed John of Sallay to be

[1] *Cal. Pap. Lett.*, iv, 74. Text in Appendix A.
[2] No. 26. [3] Nos. 29, 30. [4] No. 32. [5] Nos. 15–17.

special messenger to demand the copies and take them to the Roman Court.[1] He presented the auditor's letters to William of Stalmine, vicar of Giggleswick, and the steps taken were recorded by Richard Wisbech, notary. Stalmine cited Sotheron at his home in Mitton and in Mitton Church during the principal Mass.[2] On receipt of Stalmine's letters the Dean of Craven had cited Sotheron aloud in York Cathedral on 30 August,[3] but Sotheron could not be found. On 9 September the archbishop promised John of Sallay that he would obey the papal mandate and the same day caused the registers to be shown by his registrar, Nicholas of Burton.[4] Extracts were made and drawn up in public form by Richard Wisbech, and Stalmine was enabled to make his report to the auditor, taken to Rome by John of Sallay, proctor and messenger.

That Stalmine's report was admitted by the auditor is evident from Sotheron's copy with its annotations. On 25 September 1372 Cockersand Abbey received from Pope Gregory XI a relaxation, during twenty years, of a year and forty days of enjoined penance to penitents who should give alms for the repair of the abbey, situated so near the sea that the walls built for the preservation of its buildings were being worn away and destroyed by the waves.[5] As regards Mitton Church, the vicar from 1340 to 1374 was William of Bosden, whom Stalmine met in 1370.[6] On his death in 1374, John of Bosden, priest, was instituted [7] on 7 August, and occurs as vicar 8 June, 1377.[8] In 1378 the abbey begged Richard II to confirm its charters without fine, in view of its poverty and that "each day they are in danger of being drowned or destroyed by the sea."[9] In 1385 the abbey received the confirmation desired.[10] The vicar of Mitton Church in that year seems to have been John of Titryngton,

[1] No. 56. [2] No. 58. [3] No. 59. [4] No. 34.
[5] *Cal. Pap. Lett.*, iv, 179. [6] No. 58; Whitaker, *Whalley*, ii, 495.
[7] *Ibid.* [8] *Hoghton Deeds*, No. 1297 (L. and C. Rec. Soc., vol. 88).
[9] *Rot. Parl.*, III, 52*b*. [10] *Monasticon*, vi, 906.

although he does not appear in Whitaker's list.[1] Canon Thomas of Graystock was instituted 25 February 1393.[2] On 30 December 1396 the abbot and convent received an indult from Pope Boniface IX, that on the resignation or death of the perpetual vicar of Mitton, said to be appropriated to them and of a value not exceeding 20 marks, that of the monastery not exceeding 600 marks, they might cause the vicarage to be served by a fit secular or regular priest appointed and removed at the pleasure of the abbot.[3] On 12 November 1412 they received from Pope John XXIII permission to promote to all sacred orders all professed canons at the age of twenty, provided they were capable and suitable. The grounds of their petition were that the abbey was "in the extremity of the kingdom of England," and few sought to take the regular habit there.[4] Of the chapel at Waddington Colonel Parker says:

> Early in the thirteenth century a chapel existed at Waddington, probably erected by the Tempests near the Manor house for the use of their tenants. In 1438 a composition was made between Sir John Tempest, then lord, and representative parishioners of Waddington, Bradford and Grindleton, on the one part and the abbot and convent of Cockersand, rectors of the church of Mitton, on the other part: by which it was agreed that the garth round the chapel of Waddington should be enclosed as a cemetery and the chapel kept up as a parish church at the expense of the inhabitants of the three townships. They were to attend Mitton Church on Good Friday and to find a holy-water bearer there; also to assist in keeping in repair the churchyard wall, bell tower and bells, of Mitton Church. A fit chaplain was to be provided by the abbot and convent and by the vicar of Mitton, who were to give two marks for his stipend; and he was to live in St. Elyn's house and have certain specified lands assigned for his maintenance.[5]

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[1] Whitaker, *Whalley*, ii, 495; P.R.O., Lists and Indexes, vol. 22, p. 634 (8 Rich. II); *Chartulary*, p. 1117.

[2] Whitaker, *ibid.* [3] *Cal. Pap. Lett.*, v, 19.

[4] *Cal. Pap. Lett.*, vi, 389; text in Appendix.

[5] Pamphlet on Bolland (1926), by Colonel J. Parker, C.B., F.S.A., pp. 10–11. Text of the composition of 1438 in Y.A.S. Rec. Ser., vol. 39, pp. 172–6, and in pamphlet on Waddington, by the late Colonel Parker and J. Walmsley (1938).

The editor wishes to express his thanks to Mr. Geoffrey Barraclough, M.A., of Oxford, for bringing the manuscript to light; to Monsignore Angelo Mercati, prefect of the Vatican Archives, for permission to have photostats taken; to Rev. Joseph Cartmell, D.D., Ph.D., M.A., of Upholland College, for reading through the manuscript; to the late Colonel John Parker, President, through whose encouragement the work was undertaken, as also the editing of the Sallay Chartulary; and to Professor James Tait, F.B.A., the editor of this volume, for valuable identifications and assistance while the work was going through the press.

PRINCIPAL CHARACTERS

Pope :

Urban V (William Grimoard), b. Grisac (France), consecrated 6 Nov. 1362, left Rome 5 Sept. 1370, died at Avignon 19 Dec. 1370.

Archbishops of York :

William of Melton, 1317–40.

John Thoresby, 1353–73.

Auditor of Causes :

Hugh Fabri, doctor of decrees, commensal chaplain of Urban V.

Principalis :

Thomas of Sotheron, rector of the parish church of Mitton, dio. York; brother of John Sotheron, of Mitton.

Adversarii :

Jordan, abbot, and the canons of Cockersand Abbey.

Procurators :

For Thomas of Sotheron—

Herman of Ureden, Roman Curia.

Theodoric of Arnstede, Roman Curia.

Hugh of Arlam, absent.

Walter of Hawkesworth, at Mitton.

For Cockersand Abbey—

William of Overton, canon of Croxton.

John of Sallay, canon of Cockersand.

John of Bukheved, priest, dio. York, absent.

Bernard de Bugueto, Roman Curia.

Papal Reader of " Letters Contradictory " :
Bartholomew of Cassauli.
Registrar of the Cause :
Peter de Aguerra, clerk, dio. Bayonne, public notary by apostolic and imperial authority, scribe to the Auditor.
Public Notaries :
(i) Roman Curia—
Peter de Aguerra.
Anthony, son of Peter de Fractis, dio. Gaeta.
Henry Ondineti, dio. Rheims.
Hugh of Claren', dio. Châlons.
(ii) York Curia—
Adam Brokenheved.
John of Scarborough.
John of Stanton, dio. Ely.
Nicholas Brown, of Easingwold.
Richard of Wisbech, dio. Ely and York.
John, son of Thomas of Barnby-on-Don, dio. York.
Robert Granowe, dio. York.
William of Stillington.
Papal Couriers :
Bernard of Sori.
George, son of Roland.
Giles, son of Martin.
Henry Coquilleti.
James, son of George.
Peter of Bougrant.
Raymund (?) de Salario.
Clerks :
John de Campis, dio. Avranches.
Peter de Tilio, dio. Rodez.
John of Louth, dio. York.
Executors of Papal Letters :
William Morreys or Marreys, abbot of St. Mary's, York.
The Abbot of Sallay, Geoffrey (1366) or John (6 Aug. 1371).
The Archdeacon of Richmond.
Sub-Executors :
John of Lindley, abbot of Whalley.
John of Irthlingburgh, archdeacon of Bedford, in Lincoln Church.
William of Stalmine, vicar of Giggleswick.
Officialis :
John of Waltham, of York.

Advocatus :
Adam of Twistleton, York Curia.
John of Norton, York Curia.
Dean :
Of Craven.
Canons :
John of Thoresby, of York.
John of Branketre.
Adam of Iselbeck, of Howden.
Rectors :
William of Tatham, Mitton.
Thomas of Sotheron, Mitton.
John of Castleford, mediety of Hutton Bushell (Hotonbussel).
John of Clone, Birkin.
John of Heryz, St. Michael's at Ouse Bridge.
Nicholas of Burton, Holy Trinity in King's Court, York.
William of Poppleton, Harewood.
Vicars :
William of Bosdon, Mitton (1338).
William of Stalmine, Giggleswick (1370).
Professor of Civil Law :
Thomas Neville (1338).
Registrar and Archivist :
Nicholas of Burton, rector of Holy Trinity in King's Court, York.
Treasurer :
John of Branketre, of York.
Justiciar :
William of Shareshull, Knt.
Money-changer :
Peter *comitis*, dio. Limoges, Roman Curia.
Papal Spicer :
Benedict Canalerii.

Cockersand Abbey

Abbots :
William of Bosdon (1338).
Jordan of Bosdon [1] (1369–70).
Prior :
Roger of Nottingham.

[1] Robert of Carlton, Jordan's predecessor, died 20 Mar. 1354 (*C.Cl.R.*, 1360–4, p. 235). Jordan was elected 4 May 1354 (Reg. York).

Subprior :
Richard of Preston.
Precentor :
Richard of York.
Sacrist :
Matthew del Lee.
Cellarer :
Thomas of Burgh (later abbot).
Canons :
William of Caton (1338).
Robert of Newark (1369).
William of Ormesbanke.
William of Preesall.
John of Eccleston.
Thomas of Graystock.
Robert of Poppleton.
Roger of Manchester.
Various :
Thomas of West Dereham, priest, dio. Norwich.
John of Tithrington, dio. York.
Robert Thurstanson, dio. Lincoln.
William Hardy.
Thomas of Bashall.
John of Graystock.

VATICAN ARCHIVES. COLLECTORIE 417A.

f. 1. Copia registri in causa Eboracensi pro domino Thoma de Sotheron. In nomine Domini amen. Anno nativitatis ejusdem millesimo trecentesimo sexagesimo nono, indiccione septima, die Martis penultima mensis Januarii, pontificatus sanctissimi in Christo patris et domini nostri domini Urbani divina providencia pape quinti anno septimo, in mei notarii publici et testium infrascriptorum ad hoc specialiter vocatorum et rogatorum presencia discretus vir Henricus Coquilleti dicti domini nostri pape cursor ex parte ejusdem domini nostri pape presentavit et tradidit venerabili et circumspecto viro domino Hugoni Fabri decretorum doctori, capellano suo commensali et ipsius sacri palacii apostolici causarum auditori, quandam commissionis sive supplicacionis cedulam infrascripti tenoris. Quamquidem commissionis sive supplicacionis cedulam idem dominus auditor de manu ipsius cursoris recipiens ut decuit reverenter, eam michi Petro de Aguerra clerico Baionensis diocesis, publico apostolica et imperiali auctoritate notario scribeque suo, tradidit registrandam et commandans michi nichilominus et committens, ut tam ipsam commissionis sive supplicacionis cedulam quam omnia alia et singula que inter partes in ipsa contentas coram eo occurrerint conscribenda manibus meis et hujusmodi cause registro fideliter scriberem et registrarem, seu per alium scribi et registrari facerem et cum expediens fuerit in publica forma redigerem seu redigi facerem documenta partibusque copiam petentibus cum eis per ipsum dominum auditorem decreta fuerit facerem seu fieri procurarem et traderem fideliter de eisdem.

2. Tenor vero dicte commissionis sive supplicacionis cedule prefato domino auditori ut premittitur presentate talis est: Supplicat sanctitati vestre procurator et procuratorio nomine domini Thome de Sotheron [1] rectoris parrochialis ecclesie de Mitton Eboracensis dyocesis quatenus omnes et singulas causas quas movet seu movere intendit (*f.* 1*v*) contra abbatem et conventum de Cokersand ordinis Premonstratensis dicte diocesis de supradicta parrochiali ecclesia de Mittona et ejus occasione alicui de dominis auditoribus vestri sacri palacii apostolici causarum committere dignemini audiendas et decidendas cum omnibus emergentibus, dependentibus, incidentibus et connexis; et cum potestate dictos dominum abbatem et conventum et alios quorum interest eciam divisim citandi in Romana curia et extra eam et ad partes semel et pluries tociens quociens opus erit, non obstante quod cause hujusmodi non sint ad Romanam curiam legitime devolute nec in ea tractande nec eciam finiende, presertim cum idem dominus Thomas se non speret in partibus posse consequi justicie complementum. In fine vero dicte commissionis sive supplicacionis cedule scripta erant de alterius manu littera superiori littere ipsius commissionis penitus et omnino dissimili et diversa hec verba, videlicet: De mandato domini nostri pape audiat magister Hugo Fabri. Citet ut petitur et justiciam faciat. Presentata et tradita fuit dicta commissionis sive supplicacionis cedula prefato domino auditori per cursorem antedictum Rome in domo habitacionis sue hora vesperorum vel quasi, sub anno, indiccione, die mensis, pontificatu, loco et hora quibus supra, presentibus discretis viris magistro Henrico Ondineti notario publico dictique domini auditoris scriba et Petro de Tilio ac Johanne de Campis clericis Remensis, Ruthenensis et Abricensis [2] dyocesis, testibus ad premissa vocatis specialiter et rogatis.

3. Post cujus quidem commissionis sive supplicacionis

[1] MS. Settheton. [2] Rheims, Rodez, Avranches.

cedule presentacionem et recepcionem constitutus ibidem coram domino auditore prefato dominus Thomas de Sotheron principalis predictus (*f.* 2) in prescripta commissione nominatus pro se ipso, citra tamen revocacionem suorum procuratorum, petens per dominum auditorem prefatum sibi citacionem extra Romanam curiam et ad partes juxta et secundum tenorem commissionis prescripte contra dominos abbatem et conventum monasterii de Cokersand principales ex adverso predictos etc. in prescripta commissione nominatos et omnes alios quorum interest eciam divisim dicerni et concedi ; et tunc memoratus dominus auditor citacionem ad partes proxime supra petitam decrevit et concessit eamque, ut in instrumento publico desuper per me Petrum presentis cause notarium predictum confecto plenius continetur, fieri voluit et mandavit ; de quibus omnibus et singulis dominus Thomas principalis petiit sibi per me presentis cause notarium predictum fieri publicum instrumentum, presentibus discretis viris magistro Henrico Ondineti notario publico dictique domini auditoris scriba et Petro de Tilio ac Johanne de Campis Remensis, Ruthenensis et Abricensis diocesis, testibus ad premissa vocatis specialiter et rogatis.

4. Tenor vero dicte citacionis ut premittitur ad partes decrete sequitur et est talis : Hugo Fabri decretorum doctor, domini nostri pape capellanus commensalis et ipsius sacri palacii apostolici causarum et cause ac partibus infrascriptis ab eodem domino nostro papa auditor specialiter deputatus, universis et singulis abbatibus, prioribus, prepositis, decanis, archidiaconis, thesaurariis, scolasticis, cantoribus, canonibus, cathedralium et collegiatarum ac parrochialium ecclesiarum rectoribus, vicariis perpetuis, capellanis curatis et non curatis, clericis et notariis publicis per civitatem et diocesem Eboracensem et alias ubilibet constitutis, ad quem vel ad quos presentes nostre littere pervenerint salutem (*f.* 2*v*) in Domino et mandatis nostris ymo verius apostolicis firmiter obedire. Noveritis nos quandam commissionis seu supplicacionis

cedulam ex parte sanctissimi in Christo patris et domini nostri domini Urbani divina providencia pape quinti nobis per Henricum Coquilleti ipsius domini pape cursorem presentatam cum ea qua decuit reverencia recepisse in hec verba : Supplicat *etc., as in No. 2.* Post cujus quidem commissionis sive supplicacionis cedule presentacionem et recepcionem fuimus per discretum virum dominum Thomam (*f.* 3) de Sotheron principalem supradictum in prescripta commissione principaliter nominatum coram nobis constitutum cum instancia requisiti, quatenus citacionem extra Romanam curiam et ad partes contra religiosos viros dominos abbatem et conventum de Cokersand ordinis Premonstratensis principales supradictos etc. in predicta commissione nominatos et omnes alios quorum interest eciam divisim dicernere sibi et concedere dignaremur. Nos igitur Hugo Fabri auditor prefatus volens super premissis procedere et partibus justiciam ministrare, ut tenemur, vos omnes et singulos supradictos quibus presentes nostre littere diriguntur, auctoritate apostolica qua fungimur in hac parte, tenore presencium requirimus et monemus communiter et divisim, ita quod in hiis exequendis unus vestrum alium non expectet nec unus per alium se excuset, vobisque nichilominus et vestrum cuilibet in virtute sancte obediencie et sub excommunicacionis pena quam [ferimus] in vos et vestrum quemlibet, qui pro parte dicti domini Thome de Sotheron principalis fueritis requisiti seu fuerit requisitus, nisi infra sex dierum spacium post requisicionem hujusmodi vobis factam proxime sequencium, quorum dierum duos pro primo, duos pro secundo et reliquos duos dies vobis universis et singulis pro tercio et peremptorio termino ac monicione canonica assignamus, eaque vobis committimus et mandamus in hac parte cum effectu adimpleveritis, exnunc prout extunc dicta canonica monicione premissa ferimus in hiis scriptis districte precipiendo manda(*f.* 3*v*)mus, quatenus prefatos dominum abbatem et conventum et alios quorum interest eciam divisim in personis propriis, si ipsorum presencia commode habere poteritis,

alioquin in monasterio de Cokersand predicto vel in ecclesia parrochiali de Mittona predicta aut in ecclesia cathedrali Eboracensi seu aliis locis publicis ubi et quando fuerit expediens fueritis requisiti seu fuerit requisitus, taliter quod de hiis et infrascriptis nullam valeant ignoranciam pretendere seu eciam allegare, dum in ipsis ecclesiis divina celebrantur officia et major fuerit populi multitudo publica et intelligibili voce ex parte nostra, ymo verius apostolica, peremptorie citamus, ut quinquagesima die post citacionem hujusmodi per vos seu alterum unum eis factam immediate sequenti, si dies ipsa quinquagesima juridica fuerit et nos vel alium forte loco nostri in causis hujusmodi subrogandum auditorem ad jura reddenda Rome vel alibi ubi tunc dominus noster papa cum sua curia resedebit pro tribunali sedere contigerit ; alioquin proxima extunc immediate sequenti die juridica qua nos vel dictus auditor subrogandus pro tribunali sedebimus vel sedebit, per se vel procuratores suos ydoneos ad causam et causas hujusmodi sufficienter instructos, cum omnibus hiis instrumentis, actibus, juribus et munimentis causam et causas hujusmodi tangentibus seu concernentibus, mane hora causarum compareant in judicio legitime coram nobis vel alio auditore ut prefertur subrogando (*f.* 4) prefato domino Thome de Sotheron principali vel ejus procuratori pro eodem super premissis omnibus et singulis in suprascripta commissione contentis de justicia visuri et alias dicturi facturi et audituri et recepturi quod ordo dictaverit racionis ; certificantes nichilominus dominos abbatem et conventum et alios quorum interest, quod sive in dicte citacionis termino comparuerint sive non, nos in causa et causis hujusmodi ad partes coram nobis comparentes justiciam mediante justicia procedemus seu auditor subrogandus procedet, ipsorum citatorum absencia seu contumacia non obstante ; diem vero citacionis hujusmodi atque formam ac quidquid super premissis duxeritis faciendum nobis per vestras patentes litteras seu instrumentum publicum harum seriem seu designacionem continentes seu continens remissis

presentibus fideliter intimare curantes, absolucionem contra omnes et singulos qui prefatas nostras sentencias vel earum aliquam incurraverit quoquomodo nobis vel superiori nostro tantummodo reservantes. In quorum omnium et singulorum testimonium presentes nostre citaciones, litteras seu presens publicum instrumentum per Petrum de Aguerra notarium publicum nostrumque et cause hujus coram nobis scribam infrascriptum subscribi et publicari mandavimus et nostri sigilli fecimus appensione roborari. Datum et actum Rome in hospicio habitacionis nostri sub anno nativitatis Domini millesimo trecentesimo sexagesimo nono, indiccione septima, die Martis penultima mensis (*f.* 4*v*) Januarii, pontificatus sanctissimi in Christo patris et domini nostri domini Urbani divina providencia pape quinti predicti anno septimo, presentibus discretis viris magistro Henrico Ondineti notario publico et scriba nostro, Petro de Tilio et Johanne de Campis clericis Remensis, Ruthenensis et Abrincensis diocesis, testibus ad premissa vocatis specialiter et rogatis; et ego Petrus de Aguerra clericus Baionensis dyocesis publicus apostolica et imperiali auctoritate notarius.

5. Anno nativitatis Domini millesimo trecentesimo septuagesimo, indiccione octava, die Luna ultima mensis Decembris, pontificatus sanctissimi in Christo patris et domini nostri domini Urbani divina providencia pape quinti anno octavo, constitutus in presencia mei Petri presentis cause notarii predicti Rome in domo habitacionis prefati domini auditoris in camera mea mane hora prime vel circa, frater Willelmus de Overtona procurator ut asseruit religiosorum virorum dominorum abbatis et conventus monasterii de Cokersand, faciens fidem de mandato suo quoddam procuracionis publicum ut prima facie apparebat instrumentum infrascripti tenoris exhibuit et produxit, petens ipsum instrumentum per me notarium predictum in actibus hujusmodi cause registrari et sic recessit.

6. Tenor vero dicti instrumenti procuracionis per fratrem Willelmum procuratorem ut premittitur exhibiti talis est: (*f.* 5). In Dei nomine amen. Anno ab incarnacione ejusdem secundum cursum et computacionem ecclesie Anglicane millesimo trecentesimo sexagesimo nono, indiccione octava, pontificatus sanctissimi in Christo patris et domini nostri Urbani divina providencia pape quinti anno septimo, mense Septembris die ultima, in mei notarii publici infrascripti et testium subscriptorum presencia, venerabilis pater Jurdanus abbas monasterii de Cokersand ordinis Premonstratensis, Eboracensis dyocesis, ac religiosi et discreti viri fratres Rogerus de Notingham prior, Ricardus de Prestona subprior, Ricardus de Eboraco precentor, Matheus del Lee sacrista, Thomas de Burgh cellerarius, Robertus de Newerk, Willelmus de Ormesbanke, Willelmus de Preshogh, Johannes de Esclestona, Thomas de Graystok, Robertus de Popiltona et Rogerus de Manchester confratres et concanonici ejusdem monasterii, conventum ipsius ut asserunt facientes, in domo suo capitulari ad sonum campane ut moris est capitulariter et conventualiter congregati et personaliter constituti, in omnibus et singulis causis, litibus, negociis et querelis de et super ecclesia parrochiali de Mittona dicte Eburacensis diocesis, ac quibuscumque injuriis, molestacionibus, gravaminibus et dampnis que dominus Thomas Sotherne presbyter Eboracensis diocesis rectorem dicte ecclesie de Mitton se pretendens sibi et quibusdam suis adherentibus per dictos religiosos viros abbatem et conventum dicti monasterii de Cokersand factis, illatis et irrogatis fuisse et esse pretendebat (*f.* 5*v*) et pretendit ac eorum accione in Romana curia coram domino nostro papa seu venerabili viro domino Hugone Fabri decretorum doctore, sacri palacii apostolici causarum auditore seu alio auditore quocumque in ipsius locum subrogato seu subrogando inter dictum dominum Thomam Sotherun ex parte una et dictos religiosos viros abbatem et conventum monasterii de Cokersant ac singulares personas ipsius monasterii communiter vel divisim ex altera

vertuntur seu verti sperantur, dilectos sibi in Christo fratrem Johannem de Sallay suum et monasterii sui confratrem et concanonicum fratrem Willelmum de Overtona canonicum monasterii de Croxtona ordinis predicti, Lincolniensis diocesis, licenciam et mandatum sui superioris procuratorem in premissis essendi et alium seu alios loco suo substituendi habentem, prout michi notario plene constat, et dominum Johannem de Bukheved presbiterum Eboracensis diocesis absentem tamquam presentem eorum et dicti monasterii sui fecerunt, ordinaverunt et constituerunt sindicos, procuratores, actores, factores, negociorum gestores et nuncios speciales communiter et divisim et eorum quemlibet insolidum, ita quod non sit melior condicio occupantis sed quod unus eorum inceperit alius prosequi valeat et finire, dantes et concedentes dicti constituentes eisdem procuratoribus suis et eorum cuilibet in solidum pro eis et eorum nomine ac nomine ecclesie sue de Mittona predicte plenam et liberam potestatem ac mandatum generale et speciale agendi et defendendi, excipiendi, replicandi, recommendendi, libellum et libellos ac summarias (*f.* 6) peticiones dandi et recipiendi, litem et lites contestandi, juramentum tam de calumpnia quam de veritate dicenda et quodlibet aliud genus liciti sacramenti in animas suas prehendi, ponendi et articulandi, posicionibus et articulis respondendi, testes, litteras et instrumenta et quecumque probacionum genera producendi et exhibendi in partis adverse testes et eorum dicta dicendi et excipiendi, crimina et defectus obiciendi et objectis respondendi, status sui reformacionem in integrum restitucionem expensas, dampnorum estimacionem et interesse quodlibet, necnon beneficium absolucionis et relaxacionis a quibuscumque suspensionis, excommunicacionis et interdicti sentenciis ab homine vel a jure latis seu ferendis, simpliciter et ad cautelam, quociens opus fuerit petendi et recipiendi, excusaciones quascumque eis vel eorum alicui competentes seu conpetituras allegandi et probandi et ipsos effectualiter excusandi, sentenciam seu sentencias interlocutorias seu diffinitivas

audiendi et ab ipsis et quibuscumque gravaminibus, molestiis seu injuriis eis vel eorum monasterio qualitercumque illatis seu inferendis provocandi et appellandi, appellaciones petendi et recipiendi, provocacionum et appellacionum causas prosequendi, litteras apostolicas tam simplices quam legendas graciam seu justiciam continentes impetrandi, impetratis seu impetrandis contra eos seu (*f.* 6*v*) eorum monasterium vel eorum aliquem contradicendi, in judices et loca conveniendi et consentiendi ac hujusmodi judices et loca recusandi et causas recusacionis hujusmodi proponendi, allegandi et probandi, alium seu alios procuratorem vel procuratores loco suo substituendi ac substitutum et substitutos revocandi et procuracionis officium in se et eorum quemlibet reassumendi et exercendi, quociens eis vel eorum alicui visum fuerit expedire ; et generaliter omnia et singula faciendi, exercendi et expediendi que premissis et circa ea necessaria fuerint vel oportuna, eciam si mandatum exigant speciale. Pro eisdem vero procuratoribus suis substituendo vel substituendis ab eisdem in dictis constituentes michi notario publico infrascripto vice et nomine omnium quorum interest vel interesse poterit solempniter stipulanti rem ratam haberi, judicio sisti et judicatum solvi sub ypotheca et obligacione omnium bonorum suorum promiserunt, et exposuerunt cauciones. Acta sunt hec sub anno, indiccione, pontificatu, mense, die et loco supradictis, presentibus tunc ibidem discretis viris Willelmo Hardy, Thoma de Bakschelf et Johanne de Graystok Eboracensis dyocesis, testibus ad premissa vocatis specialiter et rogatis ; et ego Ricardus de Wisebech clericus Eboracensis diocesis, publicus apostolica et imperiali auctoritate notarius, premissis omnibus et singulis prout suprascribuntur sub anno, (*f.* 7) indiccione, pontificatu, mense, die et loco predictis, una cum prenominatis testibus presens interfui, eaque sic fieri vidi et audivi, scripsi et in hanc formam publicam redegi meoque signo consueto signavi, per dictos constituentes instanter requisitus et rogatus in testimonium premissorum.

7. Anno, indiccione et pontificatu quibus supra die Luna septima mensis Januarii constitutus in mei Petri presentis cause notarii predicti Rome in domo habitacionis Benedicti Canalerii domini pape speciarii [1] frater Willelmus de Overtona procurator predictus nomine procuratorio quo supra omni meliori modo et forma quibus melius et efficacius potuit et debuit loco sui substituit discretum virum magistrum Bernardum de Bugueto in Romana curia procuratorem presentem et omnis hujusmodi substitucionis in se sponte suscipientem ad omnia et singula que a dictis dominis suis habuit in mandatis; transferens et eciam protestans et alia faciens prout in quodam publico instrumento desuper confecto per me Petrum presentis cause notarium predictum infrascripti tenoris plenius continetur. De quibus omnibus et singulis dictus frater Willelmus substitutus petiit sibi et parti sue predictis per me notarium predictum fieri publicum instrumentum, presentibus honorabilibus et discretis viris domino Bartholomeo de Cassauli, litterarum contradictariarum domini nostri pape lectore et magistro Theoderico de Arnstede in Romana curia procuratore et Petro comitis campsore [2] Lemovicensis [3] diocesis Romanam curiam sequente, testibus ad premissa vocatis specialiter et rogatis.

8. Tenor vero dicti instrumenti substitucionis de quo proxime supra sit mencio talis est: (*f.* 7*v*) In nomine Domini amen. Anno a nativitate ejusdem millesimo trecentesimo septuagesimo, indiccione octava, die Luna septima mensis Januarii, hora paulo post vesperas, pontificatus sanctissimi in Christo patris et domini nostri domini Urbani divina providencia pape quinti anno octavo, in mei notarii publici et testium infrascriptorum ad hoc specialiter vocatorum et rogatorum presencia constitutus personaliter religiosus vir frater Willelmus de Overtona procurator ut dixit dominorum abbatis et conventus monasterii de Cokersand ordinis Premonstratensis Eboracensis diocesis, prout de ejus mandato plene dixit con-

[1] Dealer in spices. [2] Money-changer. [3] Limoges.

stare per quoddam procuracionis publicum instrumentum manu magistri Ricardi de Wysebech clerici Eliensis diocesis notarii publici scriptum subscriptum et signatum in actis hujus cause productum et registratum omni meliori modo jure causa et forma quibus potuit et debuit, providum virum magistrum Bernardum de Bugueto in Romana curia procuratorem ibidem presentem et omnis hujusmodi substitucionis in se sponte suscipientem in causas devolutas ad Romanam curiam dumtaxat et non alias loco sui substituit ad omnia et singula que a dictis dominis suis habuit in mandatis, transferens in eum totaliter vices suas donec eas ad se duxerit revocandas, protestans tamen expresse quod non intendit dictum suum procuratorem substitutum per aliquam comparacionem quam ipsum forte in hujusmodi causa facere contigerit revocare nisi de revocacione hujusmodi specialem et expressam faciat mencionem. Acta fuerunt hec Rome ante ecclesiam sancti Petri in domo habita(*f.* 8)cionis Benedicti Canalerii domini nostri speciarii sub anno, indiccione, die mense hora, pontificatu et loco quibus supra, presentibus honorabilibus et discretis viris domino Bartholomeo Cassauli litterarum contradictariarum domini nostri pape lectore et magistro Theodorico de Arnstede in Romana curia procuratore ac Petro comitis campsore Lemovicensis dyocesis Romanam curiam sequente, testibus ad premissa vocatis specialiter et rogatis ; et ego Petrus de Aguerra clericus Baionensis dyocesis publicus apostolica et imperiali auctoritate notarius.

9. Die Mercurii penultima dicti mensis Januarii comparuit in judicio coram domino auditore prefato Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedente magister Bernardus de Bugueto procurator substitutus predictus nomine quo supra, petens per dominum auditorem prefatum citari mandari dominum Thomam Sotheron principalem ex adverso predictum in domo in qua Rome habitare consuevit

per aliquem domini nostri pape cursorem (*f.* 8*v*) ad aliquam certam diem competentem ad dandum recipiendum ac dari et recipi videndum libellum seu peticionem summariam in hac causa ; quam citacionem memoratus dominus auditor decrevit et concessit eamque ut petita fuerat ad octavam diem proxime futuram si juridica fuerit, alioquin ad primam extunc immediate sequentem diem juridicam qua ipsum dominum auditorem Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedere contigerit, per Jacobum Georgii domini nostri pape cursorem tunc ibidem presentem et intelligentem peremptorie sic voluit et mandavit similemque terminum et ad eundem actum dicto magistro Bernardo procuratori presenti et petenti peremptorie statuit et assignavit.

10. Anno, indiccione et pontificatu quibus supra die Veneris prima mensis Februarii Jacobus Georgii domini nostri pape cursor retulit domino auditori prefato Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedente et michi Petro presentis cause notario predicto se de mandato dicti domini auditoris et ad supradicti magistri Bernardi procuratoris instanciam heri fuisse in domo habitacionis magistri Hermani (*f.* 9) de Ureden, in qua Rome dominus Thomas Sottheron consuevit morari, ad citandum ipsum dominum Thomam ad dandum et recipiendum ac dari et recipi videndum libellum seu peticionem summariam in hac causa. In qua quidem domo idem cursor asseruit sibi responsum fuisse per habitantes in ea quod dictus dominus Thomas curia ultimo existente in Viterbis ad partes recesserat prout idem cursor superius a prefato domino auditore receperat in mandatis. Qua relatione facta comparuit ibidem in judicio coram domino auditore prefato adhuc ut supra ad jura reddenda in suo loco solito protribunali sedente magister Bernardus de Bugueto procurator substitutus predictus nomine quo supra, petens per dominum

auditorem prefatum citari mandari dominum Thomam principalem ex adverso predictum et ipsius procuratores si qui sunt in Romana curia pro eodem, per auditionem publicam litterarum contradictariarum domini nostri pape ad aliquam certam diem competentem ad dandum et recipiendum ac dari et recipi videndum libellum seu peticionem summariam in hac causa ; quam citacionem memoratus dominus auditor decrevit et concessit eamque ut petita fuerat ad octavam diem proxime futuram si juridica fuerit, alioquin ad primam extunc immediate sequentem diem juridicam qua ipsum dominum auditorem Rome in palacio (*f.* 9*v*) causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedere contigerit per audienciam publicam litterarum contradictariarum predictam peremptorie fieri voluit et mandavit, similemque terminum et ad actum eundem dicto magistro Bernardo procuratori presenti et petenti peremptorie statuit et assignavit.

11. Die Lune xj. dicti mensis Februarii comparuit in judicio coram domino auditore prefato Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedente, magister Bernardus de Bugueto procurator substitutus predictus nomine quo supra et quandam citacionem ab auditorio ipsius domini auditoris emanatam et in audiencia publica litterarum contradictariarum dicti domini nostri pape positam atque lectam signoque ipsius audiencie interius signatam et sigillo ad citaciones hujusmodi sigillandas specialiter deputato exterius ut moris est munitam et sigillatam, infrascripti tenoris exhibuit et representavit citatorumque in ea contentorum non comparencium nec libellum aliquem dare seu exhibere curancium contumaciam accusavit, petens eos contumaces reputari et in eorum contumaciam satisfaciendi hujusmodi diei termino pro parte sua quendam libellum seu peticionem summariam infrascripti (*f.* 10) tenoris exhibuit et produxit, petens eos citari mandari per audienciam

publicam litterarum contradictariarum predictam ad aliquam certam diem competentem ad jurandum et deliberandum ac jurari et deliberari videndum de calumpnia evitanda cum singulis suis capitulis in et sub calumpnie juramento contentis et veritate dicenda tam super dicto libello quam tota causa presenti ; et tunc prefatus dominus auditor dictos citatos in citacione predicta contentos non comparentes licet debite expectatos reputavit quoad actum hujusmodi contumaces et in eorum contumaciam citacionem ut proxime supra petitam decrevit et concessit eamque ut petita fuerat ad octavam diem proxime futuram si juridica fuerit, alioquin ad primam extunc immediate sequentem diem juridicam qua ipsum dominum auditorem Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedere contigerit, per audienciam publicam litterarum contradictariarum predictam peremptorie fieri voluit et mandavit, copiamque ipsius libelli si eam habere voluerint eis fieri interim decrevit similemque eciam terminum et ad diem dicto magistro Bernardo procuratori presenti et petenti peremptorie statuit et assignavit.

12. (*f.* 10*v*) Tenores vero citacionis et libelli per magistrum Bernardum procuratorem exhibite tales sunt : Mandat magister Hugo Fabri decretorum doctor, domini nostri pape capellanus commensalis et ipsius sacri palacii apostolici causarum et cause ac partibus infrascriptis ab eodem domino nostro papa citari peremptorie in audiencia publica litterarum contradictariarum dicti domini nostri pape ut moris est, et citat Thomam de Sotherona rectorem parrochialis ecclesie de Mittona Eboracensis diocesis et ejus procuratores, si qui sint in Romana curia pro eodem, quatenus octava die proxime futura si curia fuerit, alioquin prima extunc immediate sequenti die juridica qua ipsum dominum auditorem Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in loco suo solito protribunali sedere contigerit, compareant in

judicio legitime coram eo ad dandum et recipiendum ac dari et recipi videndum libellum seu peticionem summariam in causis omnibus et singulis quas movet seu movere intendit dictus Thomas contra religiosos viros abbatem et conventum de Cokersand ordinis Premonstratensis dicte Eboracencis diocesis, de et super dicta parrochiali ecclesia de Mittona et ejus occasione, alioquin in causis hujusmodi mediante justicia ulterius procedetur dictorum citatorum absencia seu contumacia non obstante. Datum Rome die iij mensis Februarii, anno nativitatis (*f.* 11) Domini millesimo trecentesimo lxx., indiccione octava, pontificatus domini Urbani pape quinti anno octavo.

13. Coram vobis honorabili viro domino Hugoni Fabri domini nostri pape capellano commensali ejusque sacri palacii causarum et cause ac partibus infrascriptis auditore specialiter deputato proponit procurator et nomine procuratorio religiosorum virorum dominorum abbatis et conventus monasterii de Cokersand ordinis Premonstratensis Eboracensis diocesis contra Thomam de Setthetona in hac causa adversarium et quamlibet aliam personam pro eo in presenti judicio legitime intervenientem, et dicit quod licet ecclesia de Mittona dicte diocesis cum juribus et pertinenciis suis fuerit et sit canonice unita et annexata dicto monasterio salva debita porcione vicario dicte ecclesie limitata et assignata dictaque ecclesia salva dicta portione pertinuerit et pertineat ad dictum monasterium abbatesque et conventus dicti monasterii qui fuerunt pro tempore et hodie fuerint et fuerit in possessione pacifica et quieta dicte ecclesie et juribus et pertinenciis ejusdem salva dicta porcione et salvis lite et controversia presentibus, tamen dictus Thomas falso asserens dictam ecclesiam sibi in titulum beneficii esse collatam dictos dominos abbatem et conventum super dicta ecclesia et ipsius occasione traxit in causam et ad judicium vocavit et eos molestavit et molestat, inquietavit et inquietat, (*f.* 11*v*) perturbavit et perturbat, fecit et facit ac

impedivit et impedit injuste indebite et inique, quominus dicti domini abbas et conventus dictam ecclesiam de Mittona cum omnibus juribus et pertinenciis suis salva dicta porcione vicarii possint et valeant pacifice habere, tenere et possidere. Quare petit dominus procurator nomine predicto per vos dominum auditorem et vestram diffinitivam sentenciam pronunciari decerni et declarari dicto Thome super dicta ecclesia de Mittona nec in ea vel ad eam nullum jus competivisse nec competere eidemque Thome super dicta ecclesia et juribus et pertinenciis ejusdem ac molestacionibus perturbacionibus inquietacionibus et impedimentis predictis perpetuum silentium imponendum fore et per vos imponi et dictos dominum abbatem et conventum ab impeticione molestatione et inquietacione dicti Thome absolvendos et relaxandos fore et per vos absolvi et relaxari. Et premissa petit dictus procurator predicto nomine eciam divisim vestrum etc. officium in quantum indiget, implorando eo meliori modo via juris causa et forma quibus melius potest et debet, una cum dampnis, interesse et expensis factis et protestatur de faciendis super quibus petit sibi justiciam ministrari ; et protestatur quod premissa possit corrigere etc. ut est moris.

14. Die Mercurii xij dicti mensis Februarii comparuit in judicio coram domino auditore prefato Rome in palacio (*f.* 12) causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedente magister Bernardus de Bugueto procurator substitutus predictus nomine quo supra, petens per dominum auditorem prefatum citari mandari partem sibi adversam predictam per audienciam publicam litterarum contradictariarum domini nostri pape ad aliquam certam diem competentem ad videndum decerni conpulsoriam ad partes ; quam citacionem memoratus dominus auditor decrevit et concessit eamque ut petita fuerat ad primam diem curialem proxime futuram qua ipsam dominum auditorem Rome in palacio causarum apostolico predicto mane hora

causarum ad jura reddenda in suo loco solito protribunali sedere contigerit per audienciam publicam litterarum contradictariarum predictam peremptorie fieri voluit et mandavit.

15. Die Veneris xv. dicti mensis Februarii comparuit in judicio coram domino auditore prefato Rome in palacio apostolico causarum predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedente magister Bernardus de Bugueto procurator predictus nomine procuratorio quo supra et quandam citacionem ab auditorio ipsius domini auditoris emanatam et in audiencia publica litterarum contradictariarum dicti domini nostri pape positam atque lectam signoque ipsius audiencie interius signatam et sigillo ad citaciones (*f.* 12*v*) hujusmodi sigillandas specialiter deputato exterius ut moris est munitam et sigillatam, infrascripti tenoris exhibuit et representavit citatorumque in ea contentorum non comparencium nec compulsoriam ad partes decerni et concedi videre curancium contumaciam accusavit, petens eos contumaces reputari et in eorum contumaciam petiit per dominum auditorem prefatum sibi et parti sue predicte compulsoriam ad partes concerni et concedi; et tunc prefatus dominus auditor dictos citatos in citacione predicta contentos non comparentes nec hujusmodi diei termino satisfacere curantes licet debite exspectatos reputavit quo ad actum hujusmodi contumaces et in eorum contumaciam compulsoriam ad partes ut premittitur proxime supra petitam decrevit et concessit, eamque ut in instrumento publico desuper confecto infrascripti tenoris plenius continetur, de quibus omnibus et singulis dictus magister Bernardus procurator petiit sibi et parti sue predicte per me Petrum presentis cause notarium predictum fieri publicum instrumentum, presentibus discretis viris Magistris Anthonio Petri de Fractis et Hugone de Claren' clericis Gaietanensis [1] et Cathalaunensis [2] diocesis, notariis publicis dictique domini auditoris scribis, testibus ad premissa vocatis specialiter et rogatis.

[1] Gaeta, South Italy.

[2] Châlons-sur-Marne.

16. Tenores vero citacionis representate et compulsorie ut premittitur ad partes decrete tales sunt : (*f.* 13) Mandat magister Hugo Fabri decretorum doctor, domini pape capellanus commensalis et sui sacri palacii apostolici causarum et cause ac partibus infrascriptis ab eodem domino nostro papa auditor specialiter deputatus, citari peremptorie in audiencia publica litterarum contradictariarum dicti nostri domini pape ut moris est et citat dominum Thomam de Sotheron et ejus procuratores si qui sint in Romana curia pro eodem, quatenus hodie hora terciarum qua ipse dominus auditor Rome in audiencia causarum apostolico ad jura reddenda in loco suo solito protribunali sedebit, compareant in judicio legitime coram eo ad videndum litteras compulsorias ad partes decerni in causa et causis quam et quas dictus Thomas movet et movere intendit contra et adversos religiosos viros dominos abbatem et conventum monasterii de Cokersand ordinis Premonstratensis Eboracensis diocesis, de et super parrochiali ecclesia de Mittona dicte diocesis et ejus occasione ; alioquin in causis hujusmodi mediante justicia ulterius procedetur, dictorum citatorum absencia seu contumacia non obstante. Datum et actum Rome die xv. mensis Februarii anno nativitatis Domini millesimo trecentesimo septuagesimo, indiccione octava, pontificatus sanctissimi in Christo patris et domini nostri Urbani divina providencia pape quinti anno octavo.

17. (*f.* 13*v*) Hugo Fabri decretorum doctor, domini nostri pape capellanus commensalis et ipsius sacri palacii apostolici causarum et cause ac partibus infrascriptis ab eodem domino nostro papa auditor specialiter deputatus, venerabilibus et religiosis viris domino abbati de Sallay ordinis Cisterciensis, Lichefeldensis diocesis [1] et archidiacono Richmund in ecclesia Eburacensi necnon universis et singulis abbatibus prioribus prepositis decanis archidiaconis scolasticis thesaurariis canonicis cathedralium et collegiatarum ac parrochialium ecclesiarum

[1] *recte* Eboracensis.

rectoribus vicariis perpetuis capellanis curatis et non curatis clericis et notariis publicis per provinciam civitatem et dioceses Eboracensem Lincolniensem Lichefeldensem et Dunelmensem et alias ubilibet constitutis ad quem vel ad quos presentes nostre littere pervenerint salutem in domino et mandatis nostris ymo verius apostolicis firmiter obedire. Noveritis nos quamdam commissionis sive supplicacionis cedulam ex parte sanctissimi in Christo patris et domini nostri domini Urbani divina providencia pape quinti nobis per Henricum Coquilheti cursorem suum presentatam cum ea qua decuit reverentia recepisse in hec verba: Supplicat *etc., as in No. 2.* Cujus commissionis vigore nos ad nonnullos actus quos et statum hujusmodi cause hic habemus pro expressis duximus procedendum. Demum vero per providum virum magistrum Bernardum de Bugueto in Romana curia et dictorum dominorum abbatis et conventus monasterii de Cokersand principalium in dicta commissione nominatorum procuratorem substitutum per fratres Johannem de Sallay et Willelmum de Overtona, de quorum procuratione et substitucione constat in actibus coram nobis habitis in hac causa coram nobis in judicio constitutum fuit querulose nobis expositum quod reverendus pater et dominus dominus archiepiscopus Eboracensis et notarii et registra(*f.* 14*v*)tores ipsius et predecessorum suorum ac nonnulli notarii publici et persone alie in dictis civitate et diocesi Eboracensi existentes nonnulla instrumenta litteras processus registra scripturas et alia munimenta causam hujusmodi ac dictos dominos abbatem et conventum tangentes et tangencia facientesque et faciencia eisdem abbati et conventui ad probacionem intencionis sue necessarias seu necessaria in notis eorum seu prothecollis, quas et que extrahere et in publicam formam redigere contradicunt et recusant; propter quod dictus procurator nos cum instancia requisivit quatenus de remedio oportuno providere et litteras compulsorias contra dictos dominum archiepiscopum, notarios et alias personas dictas scripturas tenentes et habentes ad partes sibi decernere et

concedere dignaremur. Nos igitur Hugo auditor prefatus volentes super premissis procedere, attendentesque peticionem hujusmodi fore consonam racioni, vos omnes et singulos supradictos quibus presentes littere diriguntur, auctoritate apostolica qua fungimur in hac parte, tenore presencium requirimus et monemus primo secundo et tercio communiter et divisim vobisque et vestrum cuilibet in virtute sancte obediencie et sub excommunicacionis pena quam ferimus in hiis scriptis canonica monicione premissa, nisi feceritis quod mandamus quatenus vos aut aliquis vestrum qui super hoc fueritis requisiti seu requisitus predictos dominum archiepiscopum, notarios et personas alias omnes et singulas pro parte (*f.* 15) dictorum dominorum abbatis et conventus vobis nominandos seu nominandas hujusmodi instrumenta litteras processus et registra ac munimenta habentes et detinentes in registris seu prothocollis seu potestate eorum requiratis et moneatis, quos nos eciam tenore presencium requirimus et monemus, primo secundo et tercio ac peremptorie communiter et divisim quatenus infra duodecim dierum spacium post requisicionem et monicionem per vos seu vestrum alterum eis vel eorum alteri factam immediate sequencium, quem terminum eis et eorum cuilibet prefigatis pro omnibus dilacionibus et assignetis, quem eciam nos prefigimus pro termino peremptorio et eciam assignamus, omnes et singulas litteras instrumenta processus munimenta scripturas et registra predicta ad causam hujusmodi facientes et faciencia dictisque dominis abbati et conventui principalibus seu eorum nuncio aut procuratori fideli nobis vel alteri auditori loco nostri in hac causa forsitan subrogando deferenda seu portanda tradant et assignent sub tali modo et forma quod eisdem transcriptis merito valeat et debeat in Romana curia fides plenarie adhiberi, nichil in eisdem transcriptis addendo vel minuendo quod sensum immutet vel variet intellectum ; satisfactis pre. . tus ipsis notariis de salario competenti. Verum si litteras instrumenta processus registra scripturas et munimenta predicta ad dictam causam faciencia habentes sciant (*f.*

15*v*) eisdem abbati et conventui aut eorum procuratori revelent et revelare procurent. Quod si premissa vel aliquod premissorum neglexeritis neglexerint aut contempseritis et contempserint contumaciter adimplere cum effectu, in vos et ipsos notarios et alias personas singulariter in singulas ac alios quoscumque hujusmodi negocium impendentes ac dantes impedientibus consilium auxilium vel favorem publice vel occulte directe vel indirecte, canonica monicione premissa exnunc prout extunc in hiis scriptis excommunicacionis sentenciam promulgamus. Vobis vere domino episcopo prefato cui ob reverenciam vestre pontificatus dignitatis deferimus in hac parte, si hujusmodi mandatis nostris ymmo verius apostolicis non parueritis cum effectu infra dictum duodecim dierum terminum, quorum dierum quatuor pro primo, quatuor pro secundo et reliquos quatuor pro tercio et peremptorio termino assignamus, canonica monicione premissa ingressum ecclesie interdicimus et si hujusmodi interdictum per alios quatuor dies prefatos duodecim immediate sequentes sustinueritis, suspendimus a divinis. Verum si hujusmodi interdiccionis et suspensionis sentencias per alios quatuor dies predictos quatuor immediate sequentes quod absit animo sustinueritis indurato, vos exnunc prout extunc in hiis scriptis excommunicacionis sentencia innodamus, absolucione omnium et singulorum qui prefatas nostras sentencias vel eorum aliquam incurrerint quoquomodo nobis aut superiori nostro tantummodo reservata. (*f.* 16) Diem vero requisicionis et monicionis hujusmodi et formam et quicquid per vestras patentes litteras harum seriem seu designacionem continentes seu instrumentum publicum remissis presentibus fideliter intimare curetis. In quorum omnium et singulorum testimonium presentes litteras seu instrumentum publicum per Petrum de Aguerra notarium publicum nostrumque et cause hujusmodi coram nobis scribam infrascriptum subscribi et publicari mandavimus nostrique sigilli fecimus appensione roborari. Datum et actum Rome in palacio causarum apostolico nobis inibi mane hora causarum ad jura reddenda in

loco nostro protribunali sedentibus, sub anno a nativitate Domini millesimo trecentesimo septuagesimo, indiccione octava, die Veneris quinta decima mensis Februarii, pontificatus sanctissimi in Christo patris et domini nostri domini Urbani divina providencia pape quinti predicti anno octavo, presentibus discretis viris magistris Antonio Petri de Fractis et Hugone de Claro' clericis Gayetanensis et Cathalaunensis diocesis, notariis publicis scribisque nostris, testibus ad premissa vocatis specialiter et rogatis ; et ego Petrus de Aguerra clericus Bayonensis diocesis publicus apostolica et imperiali auctoritate notarius.

18. (*f.* 16*v*) Die Mercurii xx dicti mensis Februarii comparuit in judicio coram prefato domino auditore prefato Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedente magister Bernardus de Bugueto procurator substitutus predictus nomine quo supra et quandam citacionem ab auditorio dicti domini auditoris emanatam et in audiencia publica litterarum contradictariarum dicti domini nostri pape positam atque lectam signoque ipsius audiencie interius signatam et sigillo ad citaciones hujusmodi sigillandas specialiter deputato exterius ut moris est munitam et sigillatam, infrascripti tenoris exhibuit et representavit citatorumque in ea contentorum non comparencium nec de calumpnia jurare videre curancium contumaciam accusavit, petens eos contumaces reputari et in eorum contumaciam satisfaciendo hujusmodi diei termino pro parte sua obtulit separatum prestare calumpnie juramentum, petens se ad hoc per ipsum dominum auditorem admitti, et nichilominus ipsos citari mandari per audienciam publicam litterarum contradictariarum predictam ad aliquam certam diem competentem ad ponendum et articulandum ac poni et articulari videndum in hac causa ; et tunc memoratus dominus auditor dictos citatos in citacione predicta contentos non comparentes licet debite exspectatos reputavit quoad actum hujusmodi contumaces et in eorum contumaciam

dictum magistrum Bernardum procuratorem ad jurandum de premissis duxit admittendum. (*f.* 17) Qui incontinenti ad mandatum et in manibus dicti domini auditoris ad sancta Dei evangelia tactis per eum corporaliter scripturis de calumpnia evitanda cum singulis suis capitulis in et sub calumpnie juramento contentis et veritate dicenda, tam super dicto suo libello per eum ut premittitur in hujusmodi causa oblato quam eciam tota causa presenti solitum prestitit juramentum. Quo prestito et recepto juramento idem dominus auditor citacionem ut proxime supra petitam decrevit et concessit eamque ut petita fuerat ad vicesimam diem proxime futuram si juridica fuerit, alioquin ad primam extunc immediate sequentem diem juridicam qua ipsum dominum auditorem Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedere contigerit per audienciam publicam litterarum contradictariarum predictam peremptorie fieri voluit et mandavit similemque terminum et ad eundem actum dicto magistro Bernardo procuratori presenti et petenti peremptorie statuit et assignavit.

19. Tenor vero dicte citacionis cedule per magistrum Bernardum procuratorem representate talis est: Mandat magister Hugo fabri decretorum doctor domini nostri pape capellanus commensalis et ipsius sacri palacii apostolici causarum et cause ac partibus infrascriptis ab eodem domino nostro papa auditor specialiter deputatus citari peremptorie (*f.* 17*v*) in audiencia publica litterarum contradictariarum dicti domini nostri pape ut moris est et citat Thomam de Sotheron rectorem parrochialis ecclesie de Mittona Eboracensis diocesis et ejus procuratores si qui sint in Romana curia pro eodem quatenus viij[a] die proxime futura si juridica fuerit, alioquin prima extunc immediate sequenti die curiali qua ipsum dominum auditorem Rome in palacio causarum apostolico mane hora causarum ad jura reddenda in suo loco

solito protribunali sedere contigerit. Compar[e]ant in judicio legitime coram eo ad jurandum et deliberandum ac jurari videndum de calumpnia evitanda cum singulis suis capitulis et veritate dicenda tam super libello pro parte religiosorum virorum dominorum abbatis et conventus de Cokersand ordinis Premonstratensis dicte Eboracensis diocesis oblato, quam tota causa et causis quam et quas dictus Thomas movet seu movere intendit dictis dominis abbati et conventui de et super dicta parrochiali ecclesia de Mittona et ejus occasione ; et quod interim copiam dicti libelli recipiat si eam habere voluerit, alioquin in causa et causis hujusmodi ulterius procedetur justicia mediante, dictorum citatorum absencia seu contumacia non obstante. Datum Rome die xij mensis Februarii, anno a nativitate Domini millesimo trecentesimo septuagesimo, indiccione octava, pontificatus sanctissimi in Christo patris et domini nostri domini Urbani divina providencia pape quinti anno octavo.

20. (*f.* 18) Die Veneris xxij dicti mensis Februarii constitutus coram domino auditore prefato Rome in domo habitacionis sue hora vesperorum vel quasi frater Willelmus de Overtona procurator principalis predictus nomine procuratorio quo supra citra tamen revocacionem sui substituti petens per ipsum dominum auditorem citari mandari dominum Thomam Sotheron principalem ex adverso predictum, qui noviter ut asseruit ad Romanam curiam venerat, per aliquem domini nostri pape cursorem ad aliquam certam diem competentem ad ponendum et articulandum ac poni et articulari videndum in hac causa. Quam citacionem memoratus dominus auditor decrevit et concessit eamque ut petita fuerat ad xx diem proxime futuram si juridica fuerit, alioquin ad primam extunc immediate sequentem diem juridicam qua ipsum dominum auditorem Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedere contigerit per R....ndum de Salario domini

nostri pape cursorem tunc ibidem presentem et intelligentem peremptorie fieri voluit et mandavit. Qui quidem cursor hujusmodi mandatum in se sponte suscipiens vadens et hora completorii hujusdem diei ad me Petrum presentis cause notarium predictum rediens Rome juxta ecclesiam sanctorum Celsi et Juliani [1], ubi retulit michi se paulo ante (*f.* 18*v*) citasse dominum Thomam principalem predictum Rome personaliter inventum ad diem, actum, locum et horam predictos prout superius a prefato domino auditore receperat in mandatis.

21. Anno, indiccione et pontificatu quibus supra die Lune xj mensis Martii comparuit in judicio coram domino auditore prefato Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedente magister Bernardus de Bugueto procurator predictus nomine procuratorio quo supra etsi et quatenus hodie sit terminus ad ponendum et articulandum quandam citacionem ab auditorio ipsius domini auditoris emanatam et in audiencia publica litterarum contradictariarum dicti domini nostri positam atque lectam signoque ipsius audiencie interius signatam et sigillo ad citaciones hujusmodi sigillandas specialiter deputato exterius ut moris est munitam et sigillatam infrascripti tenoris exhibuit et representavit citatorumque in ea contentorum non comparencium nec articulos aliquos dare curancium contumaciam accusavit, petens eos contumaces reputari et in eorum contumaciam satisfaciendo hujusmodi diei termino quasdam posiciones et articulos pro parte sua verbo exhibuit et produxit, promittens eis dare facta hodie per totam diem. Et tunc memoratus dominus auditor dictam partem non comparentem nec hujusmodi diei (*f.* 19) termino satisfacere curantem licet debite exspectatam reputavit quoad actum hujusmodi contumacem ; et sic dictus magister Bernardus procurator a judicio se absentavit.

[1] In *Via del Banco Santo Spirito.*

22. Tenor vero dicte citacionis cedule per magistrum Bernardum procuratorem exhibite talis est : Mandat magister Hugo fabri decretorum doctor domini nostri pape capellanus commensalis et ipsius sacri palacii apostolici causarum et cause ac partibus infrascriptis ab eodem domino nostro papa auditore specialiter deputatus citari et peremptorie in audiencia publica litterarum contradictariarum dicti domini nostri pape ut moris est et citat Thomam de Sotherona rectorem parrochialis ecclesie de Mittona Eboracensis diocesis et ejus procuratores si qui sint in Romana curia pro eodem, quatenus xx^a^ die proxime futura si juridica fuerit, alioquin prima extunc immediate sequenti die juridica qua ipsum dominum auditorem Rome in palacio causarum apostolico mane hora causarum ad jura reddenda in loco suo solito protribunali sedere contigerit, compareant in judicio legitime coram eo ad ponendum et articulandum ponique et articulari videndum in causa et causis quam et quas dictus Thomas movet seu movere intendit religiosis viris dominis abbati et conventui de Cokersand ordinis Premonstratensis dicti Eboracensis diocesis de et super dicta parrochiali ecclesia de Mittona et ejus occasione, alioquin in causa et causis hujusmodi (*f.* 19*v*) mediante justicia ad ulteriora procedetur, dictorum citatorum absencia seu contumacia non obstante. Datum Rome die xxj mensis Februarii anno a nativitate Domini millesimo ccc. lxx., indiccione viiij, pontificatus domini Urbani pape quinti anno octavo.

23. Eadem die Lune xj mensis Martii predicti constitutus in presencia mei Petri presentis cause notarii predicti Rome in domo habitacionis prefati domini auditoris hora vesperorum vel quasi et in camera mea frater Willelmus de Overtona procurator principalis predictus nomine procuratorio quo supra citra tamen revocacionem sui substituti et articulos hodie in judicio per magistrum Bernardum de Bugueto procuratorem suum substitutum predictum verbo exhibitos et productos facto infrascripti tenoris exhibuit et produxit et sic recessit.

Tenor vero articulorum per fratrem Willelmum procuratorem ut premittitur exhibitorum talis est: Posiciones et articulos infrascriptos dat, facit et exhibet procurator et nomine procuratorio dominorum abbatis et conventus monasterii de Cokersand ordinis Premonstratensis Eboracensis diocesis et contenta in eisdem dat eciam narrative ac eciam dispositive conjunctim et divisim et de quolibet ipsorum ad superfluam probationem se non astringens.[1]

(*f.* 20) (1) In primis ponit et probare intendit quod a x. xx. xxx. xl. l. lx. lxx. annis et citra et ultra et a tempore et per tempus cujus contrarii hominum memoria non existit in diocesi Eboracensi et infra dictam diocesem fuit esseque consuevit et est quoddam monasterium communiter vocatum et appellatum et nominatum monasterium de Cokersand ordinis Premonstratensis, habens unum abbatem tamquam capud et plures canonicos regulares dicti ordinis tamquam membra conventualiter et regulariter viventes eciam palam publice et notorie.

(2) Item quod a dictis temporibus et predicta tempora et citra dictum monasterium fuit, esse consuevit et est situm, situatum et constructum inter mare occidentale et prope dictum mare et in littoribus dicti maris et loca palustria seu pauludia quodque dictum mare communiter bis in die et nocte inpetuosis fluctibus supra muros clausure dicti monasterii inundare consuevit et undavit et inundat et dampna plura et incommoda dare et afferre dicto monasterio consuevit et affert et quod sepe et plures propter inundaciones et impetus dicti maris muri dicti monasterii fuerunt destructi et diruti et quod ita fuit et est dictum, habitum, tentum et reputatum et dicitur, habetur, tenetur et reputatur palam, publice et notorie.

(3) Item quod quasi omnes terre et possessiones et maneria dicti monasterii que ante tempus et tempore unionis de qua

[1] *Margin in another hand:* Articuli partis adverse et qui sunt dicti extra terminum, hoc est ante terminum.

infra dicetur dictum monasterium habebat pro majori parte existere consue(*f.* 20*v*)verunt et existebant in litore dicti maris et prope litus dicti maris et quod propter inundaciones et impetus dicti maris terre, possessiones et maneria dicti monasterii pro majori parte sepe et pluries districte et distructa sunt et de die in diem sepe et pluries destruuntur et inundantur cum casus occurrit et quod ita fuit et est verum et dictum, habitum, tentum et reputatum et assertum et dicitur, tenetur, habetur et reputatur palam publice et notorie.

(4) Item quod a dictis temporibus et per dicta tempora et citra et ad dictum monasterium confluere consueverunt et confluerunt et confluunt plures et plures hospites, pauperes et divites quodque ibidem in dicto monasterio a dictis temporibus et per dicta tempora et citra tenere consuevit et tenta fuit et tenetur et teneri debet hospitalitas magna et generalis presertim nobilium et eciam pauperum ibidem confluencium et quod ita fuit, erat et est dictum, habitum, tentum et reputatum et assertum et asseritur et dicitur, habetur, tenetur et reputatur eciam palam, publice et notorie.

(5) Item quod racione et causa hospitalitatis et propter hospitalitatem et multitudinem nobilium et pauperum ad dictum monasterium confluencium dicti domini abbas et conventus subierunt et subire habuerunt et habent ac fecerunt, facere consueverunt et facere necessario habuerunt et ha(*f.* 21)bent et faciunt magnas et plures expensas et quod ita fuit et est dictum, habitum, tentum, observatum et reputatum et dicitur, habetur, tenetur et observatur palam publice et notorie.

(6) Item quod de premissis omnibus et singulis fuit et est publica vox et fama.

(7) Item ponit et probare intendit quod commune dictum communis opinio assercio reputacio credulitas publica vox et fama ac verum publicum et notorie fuit et est ante annum Domini millesimo trecentesimo xxxviij fuit et erat guerra inter illustrissimos principes dominos reges Anglie ex parte una et

Scotie ex altera quodque dicti domini reges per plures annos fecerunt guerram eciam palam publice et notorie.

(8) Item quod dictum monasterium fuit et erat et est situm versus partes Scotitanas seu Scotie mare tamen in medio et quod Scoti sepe et plures infra dictam diocesem Eboracensem et alibi hostiliter intraverunt et domos villas et maneria plures et plura dicte diocesis et dicti regni Anglie in quantum potuerunt dampnificaverunt combusserunt destruxerunt et devastarunt et quod ita fuit et est dictum habitum tentum et reputatum et dicitur habetur tenetur et reputatur palam publice et notorie.

(*f.* 21*v*) (9) Item quod ante tempus et tempore destruccionis devastacionis et combustionis infrascriptorum dictum monasterium infra regnum Anglie et in dyocesi [*blank*] et versus partes Scotiatanas seu Scotie habuit et habere consuevit et habebat maneria hospicia villas et alia bona infrascripta, scilicet grangias Celperthuat, Hildrestona, Kellet, Aschetona et Ellale et villam de Gayrostang eciam palam publice et notorie.

(10) Item quod ante dictum annum Domini M.CCC. xxxviij proxime dicte grangie et villa dicti monasterii per Scotas fuerunt destructe combuste et devastate eciam palam publice et notorie.

(11) Item quod de mensibus Junii Julii Augusti Septembris Octobris anni Domini M.CCC. xxxviij et per omnes et singulos dictos menses et ante dicte grangie et villa fuerunt et erant destructe vastate et conbuste per Scotas et occasione et causa dicte guerre et quod ita fuit erat et est dictum habitum tentum et reputatum et dicitur habetur tenetur et reputatur palam publice et notorie.

(12) Item quod ante proximos dictos menses et per dictos menses et ante et post propter dictas guerras et occasione ipsarum plura alia edificia et bona dicti monasterii fuerunt et erant destructa et devastata et ita fuit et erat et est verum dictum assertum creditum et reputatum et dicitur creditur asseritur et reputatur eciam palam publice et notorie.

(*f.* 22) (13) Item ponit et probare intendit quod de premissis omnibus et singulis fuit et erat et est publica vox et fama.

(14) Item quod a dictis temporibus et per dicta tempora superius in primo articulo descripta et citra in diocesi Eboracensi et infra dictam diocesem fuit, esse consuevit quedam parrochialis ecclesia communiter et vulgariter vocata et appellata ecclesia de Mittona.

(15) Item quod a dictis temporibus et per dicta tempora et citra usque ad tempus et tempore unionis infrascripte dicta ecclesia de Mittona fuit, esse consuevit et erat de jure patronatus dicti monasterii et abbatis et conventus ejusdem quodque abbas et conventus dicti monasterii habuerunt, habere consueverunt et habebant tempore unionis infrascripte jus patronatus dicte ecclesie de Mittona et jus et potestatem presentandi rectorem ad dictam ecclesiam ac fuerunt et erant in possessione vel [quasi] pacifica et quieta juris et potestatis predictorum palam publice et notorie et quod ita fuit et est dictum habitum tentum et reputatum et dicitur habetur tenetur et reputatur palam publice et notorie.

(16) Item quod de premissis omnibus et singulis fuit et est publica vox et fama.

(17) Item quod de mensibus Junii Julii Augusti Septembris Octobris anno Domini millesimo ccc. xxxviij et ante et usque ad tempus et tempore unionis infrascripte fructus redditus et proventus et obvenciones et emolumenta dicti monasterii fuerunt et erant adeo et in tantum exiles (*f. 22v*) et tenue quod abbas et monachi et alie persone dicti monasterii non poterant ex eisdem vivere et onera dicti monasterii supportare et hospitalitatem tenere debitam et consuetam et quod ita fuit et est dictum habitum tentum et reputatum et dicitur habetur tenetur et reputatur eciam palam publice et notorie.

(18) Item quod commune dictum communis opinio assercio reputacio credulitas publica vox et fama ac verum publicum et notorium fuit et est quod abbas et monachi et alie persone dicti monasterii qui fuerunt pro tempore ante tempus et tempore unionis infrascripte de fructibus redditibus et emolimentis ac bonis dicti monasterii non poterunt nec poterant

congrue sustentare et nec hospitalitatem tenere et nec alia onera dicti monasterii supportare, ymo sepe et pluries sustinere onera incumbencia habuerunt et sustinuerunt magnas necessitates et penurias et quod ita fuit et est dictum habitum tentum et reputatum et dicitur habetur tenetur et reputatur palam publice et notorie.

(19) Item quod de premissis omnibus et singulis fuit et est publica vox et fama.

(20) Item quod de mense Junii anno Domini M.CCC. xxxviij et per totum dictum mensem et ante et post dominus frater Willelmus de Bosden fuit et erat abbas dicti monasterii et in possessione vel quasi pacifica et quieta dicte abbacie et pro tali et ut talis habitus nominatus (*f.* 23) tentus et reputatus et habebatur nominabatur tenebatur et reputabatur palam publice et notorie.

(21) Item quod reverendus pater dominus Willelmus de dicto mense Junii et de dictis mensibus Julii Augusti Septembris Octobris et Novembris anno Domini millesimo CCC. xxxviij et ante et post et per dictos menses continuos et completos fuit et erat archiepiscopus Eboracensis et in possessione vel quasi pacifica et quieta dicti archiepiscopatus et pro tali et ut talis habitus nominatus et reputatus et habetur nominabatur et reputabatur palam publice et notorie.

(22) Item quod dictus dominus Willelmus abbas dicti monasterii dicto domino archiepiscopo necessitates dicti monasterii exposuit et eidem supplicavit quatenus dictam parrochialem ecclesiam de Mittona propter dictas causas superius quas eidem domino archiepiscopo exposuit et justis et racionabilibus ac evidentibus causis eidem monasterio annectere et unire dignaretur, quodque dictus dominus archiepiscopus audita supplicacione et exposicione dicti abbatis habuit consilia et deliberacionem et tractatum cum capitulo ecclesie sue Eboracensis et habitis consilio et deliberacione et tractatu, volens mature et deliberate ac legitime procedere et se de veritate causarum informare per suas certi tenoris litteras

commissas venerabilibus viris dominis officiali curie Eboracensis ac ejus commissario generali et magistro Ade de Twyseltona dicte curie advocato cum clausula quod si non omnes duo vestrum etc., quatenus de meritis causarum superius descriptarum et aliis debitis se informarent (*f.* 23*v*) et ea sibi referrent et ita fuit, erat et est dictum assertum auditum et reputatum et dicitur asseritur creditur et reputatur eciam palam et publice.

Item quod dicti commissarii servatis servandis plures testes clericos et laicos sufficientes et ydoneos citaverunt audiverunt et examinaverunt et eos jurare fecerunt super veritate causarum predictarum et an esset utile necessarium et expediens quod dicta unio fieret et alia fecerunt ac se informaverunt prout eisdem fuerat per dictum dominum archiepiscopum commissum et informacionem per eos factam dicto domino archiepiscopo rotularunt et notificaverunt et miserunt et ita fuit erat et est dictum creditum asseritum et reputatum et dicitur creditur et asseritur et reputatur eciam palam [et] publice.

Item quod dictus dominus archiepiscopus recepta dicta informacione et ea et deposicionibus testium in ea contentis visis et diligenter inspectis et examinatis, volens mature procedere dicta et deposiciones dictorum testium per dictos commissarios receptorum decano et capitulo Eboracensi una cum quadam littera sua transmisit ; in qua quidem littera scripsit quod dictus decanus et capitulum dictam informacionem viderent et inter se plene deliberarent et quod eis videretur sibi intimarent ut aliqua certa die cum eis deliberare posset quid esset agendum et ita fuit erat et est dictum creditum et assertum et dicitur creditur et asseritur eciam palam et notorie.

Item quod dictus decanus et capitulum dicte ecclesie Eboracensis receptis dictis litteris et attestacionibus et diligenter (*f.* 24) inspexerunt et eorum voluntatem dicto domino archiepiscopo scripserunt et ita fuit et est dictum assertum creditum et reputatum et dicitur creditur asseritur et reputatur eciam palam et publice.

Item quod dictus dominus archiepiscopus receptis et visis litteris dicti capituli de dicta mense Julii xij kalendas Augusti sibi et dictis dominis decano et capitulo ad tractandum et deliberandum super dicta unione tunc dicto monasterio facienda de dicta ecclesia de Mittona statuit prefixit et assignavit et ita fuit erat et est dictum assertum creditum et reputatum et dicitur creditur asseritur et reputatur eciam palam et publice.

Item quod dicto xij kalendas Augusti dicti anni Domini M.CCC. xxxviij dictus dominus archiepiscopus et dicti domini decanus et capitulum in domo capitulari Eboracensi se congregaverunt et sic capitulariter congregati tractaverunt super dicta unione fienda et dictam informacionem viderunt et habitis hinc inde inter eos tractatibus et deliberacionibus inter se dicti domini archiepiscopus decanus et capitulum deliberaverunt et deliberati remanserunt quod cause predicte et per abbatem exposite fuerunt et erant vere juste et racionabiles et quod evidens utilitas ecclesie predicte et ingens necessitas dicti monasterii exposcebant quod dicta unio petita fieret et dicta unio esset utilis justa et racionabilis et quod sic deliberati dicti domini decanus et capitulum post tractatus super hac habitos consenserunt et eorum consilium et consensum prestiterunt dicto domino archiepiscopo quod dictam unionem faceret et ita fuit et est verum et dictum assertum creditum et reputatum (*f.* 24*v*) et habitum et dicitur creditur asseritur et reputatur eciam palam et publice et notorie.

(23) Item quod dictus dominus archiepiscopus eciam volens deliberate et mature in hoc procedere super valore et statu dicte ecclesie de Mittona per certos commissarios quos deputavit inquiri fecit et informacionem fieri et quod habita diligenti informacione et servatis servandis dictus dominus archiepiscopus de consilio et consensu dictorum dominorum decani et capituli dictam ecclesiam de Mittona dicto monasterio de mense Octobris anno Domini millesimo CCC. xxxviij univit et incorporavit, reservata camere certa porcione de fructibus

redditibus et proventibus dicte ecclesie de Mittona pro vicario in dicta ecclesia de Mittona instituendo ad presentacionem abbatis et conventus dicti monasterii et ita fuit verum et dictum et assertum et reputatum et dicitur et asseritur creditur et reputatur eciam palam et publice.

(24) Item quod de premissis omnibus et singulis fuit et est publica vox et fama.

(25) Item quod de vigore dicte unionis abbas et conventus dicti monasterii possessionem corporalem et realem dicte ecclesie de Mittona et jurium et pertinencium ejusdem salvâ dicta porcione xxx anni et ultra sunt elapsi habuerunt et receperunt et ita fuit erat et est verum publicum et notorium dictum creditum et assertum et dicitur asseritur creditur et reputatur eciam palam publice et notorie.

(26) Item quod vigore dicte unionis abbas et conventus dicti monasterii per x. xx. xxx. annos continuos et completos et citra (*f.* 25) et ultra dictam ecclesiam de Mittona cum omnibus juribus et pertinenciis suis salva dicta porcione vicarii ejusdem tenuerunt et possiderunt et tenent et possident pacifice et quiete, salva presenti controversia et lite.

(27) Item quod de premissis omnibus et singulis fuit et est publica vox et fama.

(28) Item quod de usu more observancia et consuetudine a x. xx. xxx. xl. l. lx. annis et citra et ultra et a tempore et per tempus cujus inicii seu contrarii hominum memoria non existit tentis et inconcusse observatis, fructus beneficiorum vacancium in civitate et diocesi Eboracensi provenientes tempore vacacionum pertinuerunt pertinere consueverunt et pertinent ad dictum archiepiscopum Eboracensem qui fuit pro tempore et hodie est dictum habitum tentum reputatum et observatum et dicitur habetur tenetur et observatur palam publice et notorie.

(29) Item quod de premissis omnibus et singulis fuit et est publica vox et fama.

(30) Item quod Thomas de Sotheron in hac causa adversarius

dictos dominos abbatem et conventum super dicta ecclesia de Mittona inquietavit et inquietat, perturbavit et molestavit indebite et injuste.

(31) Item dat pro posicionibus et articulis libellum et producta et producenda pro parte sua in causa presenti in quantum faciunt et facere possunt pro parte sua et contra partem adversam et non aliter nec ultra nec alio modo.

(32) Item dat de sigillis notis et signis ut est moris et assert et protestatur. Et protestatur quod premissa possit corrigere etc. ut est moris.

24. (*f.* 25*v*) Die Mercurii xiij dicti mensis Martii comparuit in judicio coram domino auditore prefato in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedente dominus Thomas Sotheron principalis [1] predictus principaliter pro se ipso citra tamen revocacionem suorum procuratorum et omni meliori modo et forma quibus potuit et debuit, fecit constituit creavit et eciam ordinavit suos veros legitimos et indubitatos procuratores actores factores et negociorum suorum gestores et nuncios speciales providos viros magistros Hugonem de Arlam absentem tamquam presentem et Hermannum de Ureden [2] in Romana curia procuratorem presentem et omnia hujusmodi procuracionis in se sponte suscipientem cum potestate substituendi etc., relevans promittens et protestans et alia faciens prout in quodam publico instrumento desuper confecto infrascripti tenoris plenius continetur ; de quibus omnibus et singulis dictus constituens petiit sibi et parti sue predicte per me presentis cause notarium fieri publicum instrumentum, presentibus discretis viris magistris Antonio Petri de Fractis et Hugone de Claren' clericis de Gaietanensi et Cathalaunensi diocesibus notariis publicis dictique domini auditoris scribis testibus ad premissis vocatis specialiter et rogatis. Quibus ut

Notes in margin :

[1] pars nostra constituit procuratores.

[2] iste occupat.

premittitur actis idem magister Hermannus de Ureden [1] procuratorio nomine quo supra petitorium judicium in hujusmodi causa per utramque partem intentatum suspendit (*f.* 26) et protestans expresse quod in solo possessio judicā dumtaxat vult et intendit ulterius procedere et sic idem Thomas principalis et Hermannus procurator a judicio se abstentarunt. Deinde paulo post comparuit in judicio coram domino auditore prefato adhuc ut supra ad jura reddenda in suo loco solito protribunali sedente magister Hermannus de Ureden procurator predictus nomine procuratorio quo supra et quosdam posiciones et articulos [2] si et in quantum sit terminus infrascripti tenoris exhibuit et produxit et sic a judicio se absentavit. Eo vero absente comparuit ibidem in judicio coram domino auditore prefato adhuc ut supra ad jura reddenda protribunali sedente magister Bernardus de Bugueto procurator predictus nomine procuratorio quo supra et articulos alios per eum in hujusmodi causa pro parte sua productos repetiit [3] et de novo produxit ac pro repetitis haberi voluit, petens per dominum auditorem prefatum citari mandari partem sibi adversam predictam per aliquem domini nostri pape cursorem ad aliquam certam diem competentem ad respondendum dictis posicionibus in quantum posiciones et dicenda et opponenda quidquid dicere seu opponere voluerit verbo vel in scriptis contra articulos ipsos in quantum articuli existerent ; quam citacionem memoratus dominos auditor decrevit et concessit eamque ut petita fuerat ad octavam diem proxime futuram si juridica fuerit, alioquin ad primam extunc immediate sequentem diem juridicam qua ipsum dominum auditorem (*f.* 26*v*) Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedere contigerit per Jacobum Georgii domini nostri pape cursorem tunc ibidem presentem et intelligentem

Notes in margin :

[1] procurator partis nostre suspendit petitorium.

[2] pars nostra dat articulos. [3] pars adversa repetiit.

peremptorie fieri voluit et mandavit copiamque dictorum articulorum si eam habere voluerint hinc inde fieri decrevit similemque eciam terminum et ad diem dicto magistro Bernardo procuratori presenti et petenti peremptorie statuit et assignavit. Qui quidam cursor hujusmodi mandatum in se sponte suscipiens vadens et rediens hora prandii vel quasi ad hospicium prefati domini auditoris, in quo retulit mihi Petro presentis cause notario predicto in camera mea se paulo ante citasse dominum Thomam de Sotheron principalem predictum Rome personaliter inventum ad diem actum locum et horam predictis prout superius a prefato domino auditore receperat in mandatis.

25. Tenores vero instrumenti procuracionis de quo proxime supra fit mencio necnon articulorum per magistrum Hermannum procuratorem exhibitorum tales sunt : [1] In nomine Domini amen. Anno nativitatis ejusdem millesimo trecentesimo septuagesimo indiccione octava die Mercurii tercia decima mensis Martii pontificatus sanctissimi in Christo patris et domini nostri domini Urbani divina providentia pape quinti anno octavo, in mei notarii publici et testium infrascriptorum ad hoc specialiter vocatorum et rogatorum presencia (*f.* 27) constitutus personaliter discretus vir dominus Thomas Sother[on Ebor]acensis [2] dyocesis ex certa ejus sciencia in causa et causis quam movet seu movere intendit contra religiosos viros dominos abbatem et conventum monasterii de Cokersand ordinis Premonstratensis dicti Eboracensis diocesis de et super dicta parrochiali ecclesia de Mitton et ejus occasione providos viros magistros Hugonem de Arlam absentem tamquam presentem et Hermannum de Ureden in Romana curia procuratorem presentem et omnis hujusmodi procuracionis in se sponte suscipientem et eorum quemlibet insolidum, ita quod non sit melior condicio occupantis sed quod unus eorum inceperit alter eorum prosequi mediare valeat et finire, suos fecit constituit creavit etc. ordinavit veros certos et indubitatos

[1] *Margin :* procurium pro parte nostra. [2] MS. Sotheracen'.

procuratores actores factores negociorum suorum gestores et nuncios speciales ad agendum et comparendum pro eo et ejus nomine in causa et causis predictis ipsumque defendendum et causam et causas . . . prosequendas, libellum seu libellos et quascumque peticiones summarias dandas et recipiendas, excipiendis replicandas, litem seu lites contestandos, de calumpnia et veritate dicenda jurandum et cujuslibet alterius generis licitum juramentum in nomine ipsius prestandum ponendum et articulandum, posicionibus respondendum et contra articulos dicendum declarandum testes litteras instrumenta et quecumque alia probacionum genera producenda, testes alterius partis jurare videndum, in eos et eorum dicta et quecumque alia (*f.* 27*v*) producta partis adverse dicendum, crimina et defectus opponendum et probandum, beneficium absolucionis simpliciter et ad cautelam ac restitucionis in integrum principaliter et incidentaliter petendum et obtinendum renunciandum et concludendum, sentenciam et sentencias tam interlocutores quam diffinitivas fieri petendum et audiendum et ab eis et quolibet alio gravamine illato vel inferendo appellandum, appellaciones petendum et recipiendum, apposicionem seu apposiciones prosequendum intimandum et insinuandum, unum vel plures procuratorem vel procuratores loco sui substituendum et eum vel eos revocandum quando et quociens eis vel eorum altero visum fuerit expedire, et generaliter omnia alia et singula faciendum dicendum procurandum et exercendum que in premissis et circa premissa necessaria fuerint seu eciam oportuna, eciam si talia forent que mandatum exigerent speciale et que ipsemet constituens facere dicere et exercere posset si personaliter interesset et relevans idem constituens dictos suos procuratores et eorum quemlibet ac substituendum ab eis vel altero eorum ab omni onere facta dandi promisit michi notario publico infrascripto ut publice persone stipulanti et recipienti vice et nomine omnium et singulorum quorum interest vel intererit aut interesse poterit in futurum, se ratum gratum et firmum perpetuo habiturum quidquid per dictos

procuratores suos ac substituendos ab eis vel eorum (*f.* 28) altero actum dictum factum fuerit in premissis et quolibet premissorum judicio sisti et judicatum solvi cum omnibus clausulis oportunis, sub ypotheca et obligacione omnium bonorum suorum presencium et futurorum, protestans tamen expresse quod non intendit dictos suos procuratores vel substituendos ab eis per aliquam comparacionem quam ipsum forte in hujusmodi causa facere contigerit revocare, nisi de revocacione hujusmodi specialem et expressam faciet mencionem. Acta fuerunt hec Rome in palacio causarum apostolico coram venerabili et circumspecto viro domino Hugone Fabri decretorum doctore domini nostri pape cappellano commensali et ipsius sacri palacii apostolici causarum auditore ipso ibidem mane hora causarum ad jura reddenda in suo loco solito protribunali sedente, sub anno indiccione die mense pontificatu loco et hora quibus supra, presentibus discretis viris magistris Antonio Petri de Fractis et Hugone de Claren' clericis Gayetanensis et Cathalaunensis diocesum notariis publicis dictique domini Hugonis auditoris scribis, testibus ad premissa vocatis specialiter et rogatis ; et ego Petrus de Aguerra clericus Baionensis diocesis publicus apostolica et imperiali auctoritate notarius.

26. (*f.* 28*v*) Procurator et procuratorio nomine discreti viri domini Thome Sotheron rectoris parrochialis ecclesie de Mittona Eboracensis diocesis in causa et causis que vertitur seu vertuntur coram vobis venerabili viro domino Hugone Fabri inter ipsum Thomam ex parte una et abbatem et conventum monasterii de Cokersand ordinis Premonstratensis dicte diocesis de et super ipsa parrochiali ecclesia et ejus occasione ex altera dat facit posiciones et articulos infrascriptos ac ponit et probare intendit contenta in eisdem communiter divisim et de quolibet et ita petit per partem adversam suo medio juramento respondere eisdem, ad superfluam probacionem nullatenus se astringens.

(1) In primis ponit et probare intendit quod a x. xx. xxx.

xl. l. lx. et c. annis et ultra et citra et a tempore et per tempus cujus inicii seu contrarii memoria hominum non existit in diocesi Eboracensi et infra fines et limites ejusdem fuit esse consuevit et est una parrochialis ecclesia de Mittona vulgariter et communiter nuncupata et appellata, que habuit habere consuevit a dictis temporibus et citra et habet eciam de presenti fontem baptismalem, cimiterium et multos parrochianos utriusque sexus certam et limitatam parrochiam ab aliis parrochialibus ecclesiis distinctam et separatam et alia insignia parrochialia, (*f.* 29) quodque ipsa parrochialis a predictis temporibus et citra fuit esse consuevit et est curata et pro ecclesia parrochiali et curam animarum habentem fuit erat et est a dictis temporibus et citra per dominum archiepiscopum Eboracensem et clerum et populum civitatis et dyocesis Eboracensis qui pro tempore fuerant dicta habita et reputata, ipsaque parrochialis ecclesia salvis ipsius vacacionum temporibus per unum clericum secularem in eadem temporibus successivis canonice institutum et perpetuo intitulatum regi ac gubernari consuevit ac solet ac regi et gubernari de jure debuit et debet et regitur et gubernatur eciam de consuetudine omnibus predictis temporibus salvis vacanciis ejusdem palam publice et notorie et salva controversia presenti.

(2) Item quod a dictis temporibus et citra per ipsa tempora in ecclesia parrochiali de Mittona prefata fuit esse consuevit et est unum et unicum dumtaxat beneficium ecclesiasticum perpetuum et seculare modo plura beneficia ecclesiastica perpetua rectoria ecclesie parrochialis de Mittona vulgariter communiter nuncupata et ita fuit et est verum publicum et notorium dictum habitum et reputatum habetur dicitur et reputatur palam publice communiter et notorie.

(3) Item quod premissa omnia et singula sunt vera publica et notoria et de premissis omnibus et singulis fuit et est publica vox et fama.

(4) Item ponit et probare intendit quod a x. xx. xxx. xl. l. annis et ultra et citra et a tempore et per tempus cujus

(*f.* 29*v*) inicii seu contrarii memoria hominum non existit, ad abbatem et conventum monasterii de Cockersand predictis pertinuit pertinere consuevit et pertinet presentacio et jus presentandi ad predictam ecclesiam parrochialem obtinendam domino archiepiscopo Eboracensi qui pro tempore fuerit clericum secularem quociens ipsam ecclesiam vacare contin[g]ebat seu contigerit, quod religiosi predicti a dictis temporibus et citra et per ipsa tempora fuerunt et esse consueverunt et sunt in pacifica possessione seu quasi juris hujusmodi et dicto domino archiepiscopo quando vacacio dicte ecclesie contingebat clericos seculares successivis vicibus presentarunt ad ipsam ecclesiam obtinendam, quodque clerici per dictos religiosos sicut predicitur presentati fuerunt et erant per dictum dominum episcopum archiepiscopum recepti et instituti et admissi et in dicta parrochiali ecclesia rectores ejusdem instituti et perpetuo intitulati et pro veris rectoribus dicte ecclesie dicti habiti et reputati, salvis et cessantibus disposicionibus apostolicis palam publice communiter et notorie.

(5) Item ponit et probare intendit quod a dictis temporibus et citra et per ipsa tempora ad dominum archiepiscopum Eboracensem qui pro tempore fuerit et ad reverendum patrem dominum Johannem nunc archiepiscopum Eboracensem solum et in solidum absque requisicione consensu et assensu seu consilio capituli sue ecclesie Eboracensis et cujuscumque alterius persone ecclesiastice vel secularis pertinuit et pertinere consuevit et pertinet institucio et jus instituendi clericum secularem (*f.* 30) per dictos religiosos ad ipsam parrochialem ecclesiam obtinendam ut predicitur presentatum, quodque idem dominus archiepiscopus qui pro tempore fuerat et est fuit esse consuevit et est in pacifica possessione vel quasi juris hujusmodi instituendi seu intitulandi clericum secularem in ecclesia predicta postquam per dictos religiosos ad ipsam ut predicitur fuerat presentatus ac quod hujusmodi instituciones per archiepiscopum qui pro tempore fuerat facte, cessantibus apostolicis disposicionibus, fuerunt esse consueverunt et sunt firme valide

et efficaces et tales et pro talibus fuerunt et erant dicte habite et reputate dicuntur habentur et reputantur palam publice communiter et notorie.

(6) Item quod premissa omnia et singula sunt vera publica et notoria et de premissis omnibus et singulis fuit et est publica vox et fama in omnibus locis et temporibus predictis et quod nunquam fuit aut est aliquis qui unquam viderit vel audierit fieri vel dici aut viderit aliquem dicentem se vidisse vel audivisse aliter quam supradictum est servatum vel factum in premissis vel aliquo premissorum.

(7) Item quod de premissis omnibus et singulis fuit et est publica vox et fama.

(8) Item. ponit et probare intendit quod quondam bone memorie Willelmus de Tatham nuper de anno Domini millesimo trecentesimo xxxj. xxxiij. xxxiiij. xxxv. xxxvj. xxxvij. xxxviij. xxxix. et xl. et ultra et citra et usque ad tempus et tempore mortis sue fuit (*f.* 30*v*) verus rector et canonicus possessor et unicus solum et in solidum dicte parrochialis ecclesie et perpetue institutus et intitulatus in eadem et in ipsius beneficio et gubernavit et fructus redditus et proventus ejusdem integre et in solidum percepit et habuit et in usus suos et dicte ecclesie convertit et de eis libere disposuit, quodque dictus Willelmus sic existens rector dicte parrochialis ecclesie et in plena et pacifica possessione ejusdem nuper ante annum Domini millesimum ccc. lx. in partibus et extra Romanam curiam diem suum clausit extremum ac quod per ipsius Willelmi obitum dicta parrochialis ecclesia vere vacavit et pro vacante et vacua dicta habita et reputata fuit et est palam publice et notorie.

(9) Item quod vacacio ipsius parrochialis ecclesie modo predicto per mortem ipsius Willelmi contingens publice et notorie nota cognita fuit et erat in ipsa parrochiali de Mittona et monasterio de Cokersand et in civitate et ecclesia Eboracensi et in aliis ecclesiis et monasteriis dicte ecclesie de Mittona vicinis de anno Domini millesimo trecentesimo sexagesimo

primo et de mense Aprilis ejusdem anni et ante dictum mensem et post palam publice communiter et notorie.

(10) Item quod abbati et conventui dicti monasterii de Cokersand predictis et omnibus et singulis personis se patronos dicte parrochialis ecclesie de Mittona fuisse pretendentibus dum dictus Willelmus viveret vel qui pretendebant aut (*f.* 31) pretendere poterant se fuisse aut esse tempore obitus dicti Willelmi in possessione vel quasi juris presentandi ad ipsam ecclesiam dum vacaret clericum secularem instituendum et intitulandum in eadem et qui fuerunt patroni ejusdem temporibus predictis constitit ipsique sciverunt et eorum quilibet scivit vacacionem hujusmodi sicut predicitur contingentem et ante mensem Aprilis predictum et se ipsam scire et de ea veram et indubitatam noticiam habuisse et habere dixerunt et confessi fuerunt sepius et multociens ante dictum mensem Aprilis anni Domini millesimi ccc. lxj. et quod dictus Willelmus rector ante ipsum mensem Aprilis in plena et pacifica possessione dicte parrochialis ecclesie et clericus secularis existens mortuus fuit et quod per ipsius obitum dicta ecclesia vacavit palam publice communiter et notorie.

(11) Item quod dictus abbas et conventus dicti monasterii et omnes et singuli qui se pro patronis dicte parrochialis ecclesie gesserunt et habuerunt tempore obitus dicti Willelmi et qui jus presentandi habuerunt clericum secularem domino archiepiscopo Eboracensi ad dictam ecclesiam obtinendam et instituendum et intitulandum in eadem a die quo ipse Willelmus obiit et quo vere eis primo constitit de vacacione ipsius parrochialis ecclesie [morte] dicti Willelmi ut premittitur contingente conti- (*f.* 31*v*)nue sequencium plenam et liberam facultatem et potestatem habuerunt presentandi archiepiscopo Eboracensi clericum secularem ad ipsam ecclesiam obtinendam et clericum hujusmodi ad ipsam ecclesiam presentasse potuerunt ac quod a tempore noticie et sciencie predictarum religiosi ipsi vel alii quicumque amiserunt neglexerunt et non curarunt infra spacium sex mensium clericum aliquem secularem ut predicitur vacan' presentare

sed aliquem clericum ad dictam [ecclesiam] obtinendam loci ordinario predicto presentare voluntarie et scienter amiserunt usque ad xx diem mensis Decembris anno Domini millesimo CCC. lxvij et sic fuit et est verum publicum et notorium dictum habitum et reputatum habetur dicitur et reputatur palam publice communiter et notorie.

(12) Item quod reverendus in Christo pater dominus Johannes archiepiscopus Eboracensis fuit et erat electus et factus archiepiscopus Eboracensis citra annum Domini M. CCC. l. ac quod sibi et capitulo Eboracensis ecclesie omnibus et singulis ad quem vel ad quos propter negligenciam patronorum dicte parrochialis ecclesie de Mittona non presentancium clericum secularem ad ipsam obtinendam in ecclesia predicta et tempore vacacionis ejusdem infra tempus suum hujusmodi patronis clericis et laycis limitatum, provisio collacio aut alia quevis disposicio dicte parrochialis (*f.* 32) ecclesie secundum statuta Lateranensis consilii extitit successive et legitime devoluta constitit et veraciter innotuit, ipsique sciverunt et quilibet eorum scivit et verisimiliter scire potuit eciam ante dictum mensem Aprilis quod dictus Willelmus de Tatham diem suum clausit extremum et quod ipsa parrochialis ecclesia per obitum dicti quondam Willelmi vere vacavit et vacabat tempore predicto, quod dictus dominus archiepiscopus et omnes alii et singuli predicti quilibet videlicet tempore suo dictam ecclesiam sicut premittitur vacantem et propter negligenciam patronorum predictorum ad collacionem [et] provisionem ipsorum devolutam conferre et contulisse et de ea libere providere et providisse persone ydonee potuit et potuerunt et facultatem liberam et plenam eciam de facto habuit et habuerunt eam clerico seculari conferendam vel ea debite providendam, postquam eis vere innotuit de vacacione predicta et quod ipsi et eorum quilibet cessante omni et quocumque impedimento legitimo amiserunt neglexerunt et non curarunt et quilibet eorum tempore suo amisit neglexit et non curavit clerico seculari de ipsa ecclesia parrochiali aliqualiter providere usque ad xx^{am} diem mensis

Decembris anni Domini millesimi ccc. lxviij. et sic fuit et est verum publicum et notorium dictum habitum et reputatum habetur et dicitur et reputatur palam publice et notorie.

(13) Item quod propter amissiones et negligencias predictas (*f.* 32*v*) collacio dicte parrochialis ecclesie et ejus beneficii ante vij idus Decembris anni Domini millesimi ccc. lxvij. et pontificatus domini nostri pape moderni anno vj fuit et erat ad sedem apostolicam juxta statuta Lateranensis concilii legitime devoluta et sic fuit et est verum publicum et notorium dictum habitum et reputatum habetur dicitur et reputatur palam publice communiter et notorie.

(14) Item quod premissa omnia et singula sunt vera publica et notoria et de premissis omnibus et singulis fuit et est publica vox et fama.

(15) Item ponit et probare intendit quod sanctissimus in Christo pater et dominus noster dominus Urbanus divina providencia papa quintus volens dicto domino Thome Sotheron graciam facere specialem certis judicibus nullo nomine proprio expressato et inter ceteros abbati et monachis beate Marie Ebor. commisit et mandavit per suas certi tenoris apostolicas litteras sub datis Rome apud sanctum Petrum vij idus Decembris pontificatus nostri anno vj, quod si vocatis dictis abbate et conventu et aliis qui fuerunt evocandi dictam ecclesiam de Mittona reperirent per mortem Willelmi de Tatham vacavisse et vacare, licet dicti abbas et conventus de Cokersand eam detinerent occupatam et tanto tempore vacavisse quod ejus collacio juxta statuta Lateranensis consilii foret ad sedem apostolicam devoluta et nulli alteri quod reperirent in ipsa parrochiali ecclesia reperirent jus (*f.* 33) forte specialiter aquisitum, quod ipsam ecclesiam sic vacantem dicto Thome conferent et sibi per se vel alium seu alios providerent debite de eadem et alias et aliter prout in predictis litteris apostolicis plenius continetur, quas et contenta in eis hic dat dispositive pro posicionibus et articulis quantum faciunt vel facere videntur

aut possunt pro parte sua et contra partem adversam et non alias nec ultra.

(16) Item quod dictus Thomas litteras apostolicas super gracia et mandato ac commissiones hujusmodi confectas venerabili et religioso viro fratri Willelmo Morreys abbati monasterii beate Marie Eboracensis presentavit ipsumque cum instancia requisivit ut [ad] execucionem litterarum hujusmodi procedere dignaretur quodque dictus dominus Willelmus abbas monasterii beate Marie Ebor. hujusmodi litteras apostolicas reverenter recepit et admisit et non volens earum exanimacioni intendere, aliis sui monasterii negociis occupatus venerabili et religioso viro abbati monasterii de Whalleya [1] ordinis Cisterciensis Lichefeldensis diocesis et archidiacono Bedford' [2] in ecclesia Lincolniensi et nonnullis aliis personis per suas certi tenoris litteras cum illa clausa, et vestrum cuilibet in solidum ita quod non sit melior condicio occupantis etc., plene commisit vices suas cum cohercione cujuslibet canonica potestate prout in litteris ipsius domini abbatis sigillo sigillatis plenius continetur, quas eciam et contenta in eis hic dat dispositive proposicionibus et articulis (*f.* 33*v*) quantum faciunt pro parte sua et contra partem adversam et non alias nec ultra ac quod frater Willelmus Morras tempore date commissionis hujusmodi et diu ante et post fuit prout adhuc est abbas monasterii beate Marie Eboracensis et in pacifica possessione ejusdem et pro tali habitus et reputatus palam publice et notorie.

(17) Item quod venerabilis et discretus magister Johannes de Yrtelburgh nuper de anno Domini millesimo trecentesimo sexagesimo octava et de mense Julii hujusmodi commissionis dicti domini Willelmi abbatis monasterii beate Marie ac super gracia et mandato et provisione ipsius Thome apostolicas litteras recepit et admisit et ad instanciam dicti domini Thome predictos dominos abbatem et conventum monasterii de Coker-

[1] John of Lindley, abbot of Whalley, 1342–79; d. 3 June 1379.

[2] John of Irthlingburgh, Northants (Le Neve, *Fasti Eccl. Angl.*, ed. Hardy, i, 73).

sand, qui ipsam parrochialem ecclesiam detinuerunt occupatam et omnes alios et singulos quorum interest et qui sua putaverunt interesse per suas certi tenoris litteras citari mandavit et fecit ut certo termino competenti extunc et post citacionem hujusmodi immediate sequente coram ipso domino Johanne subexecutore predicto in ecclesia sancti Pauli Londonensis ad videndum testes jurari et recipi et informacionem fieri super contentis in litteris apostolicis supradictis ac ad provisionem ipsius Thome de ecclesia predicta vacante procedi juxta continenciam litterarum apostolicarum predictarum vel ad dicendum causam quare hoc fieri non deberet et alias eciam prout in litteris citacionis hujusmodi plenius continetur (*f.* 34) citari mandavit et fecit et citavit, que et contenta in eis hic dat dispositive proposicionibus et articulis quantum faciunt aut facere videntur seu possunt pro parte sua et contra partem adversam et non alias nec ultra.

(18) Item quod dicti religiosi viri abbas et conventus de Cokersand predicti vigore litterarum citatoriarum predictarum fuerunt et erant juxta ipsarum litterarum tenorem legitime citati et requisiti prout in instrumento publico super execucione citacionis hujusmodi confecto plenius continetur, quod et contenta in eo hic dat dispositive proposicionibus et articulis quantum faciunt vel facere possunt pro parte sua et contra partem adversam et non alias nec ultra.

(19) Item quod in termino hujusmodi in dictis litteris citatoriis contento dictus dominus Thomas Sotheron coram domino Johanne subexecutore prefato in ecclesia sancti Pauli Londonensis in termino in litteris citacionis limitato judicialiter comparuit et sibi litteras citacionis hujusmodi et earum execucionis debite presentavit et contumaciam dictorum citatorum accusavit et in eorum contumaciam quosdam articulos et quandam peticionem summariam in fine eorum continentes dedit et exhibuit et ad ipsos articulos probandos quosdam ibidem testes tunc presentes produxit et ipsos et eorum juramenta (*f.* 34*v*) cum instancia recipi postulavit, quodque dictus dominus

Johannes subexecutor ipsos religiosos sic citatos pluries et diversis vicibus preconizari fecit et ipsos post hujusmodi preconizaciones diucius exspectavit et quia licet ipsos sic preconisasset et exspectasset coram ipso comparere non curarunt ipsos contumaces reputavit et in eorum contumaciam articulos hujusmodi admisit et testes per ipsum Thomam productos et eorum juramenta recepit et ipsos super contentis in ipsis litteris apostolicis inquisivit diligenter, quodque dictus dominus Johannes subexecutor quia ipsam [1] ecclesiam vacare reperiit prout in litteris apostolicis continetur et non reperiit alicui in dicta ecclesia pro tunc jus fore specialiter acquisitum, ipsam ecclesiam sic vacantem dicte Thome auctoritate apostolica contulit et sibi providit specialiter de eadem et ipsos religiosos a dicta ecclesia et ejus possessione per suum decretum amovit et ipsum Thomam investivit presencialiter de eadem et certas moniciones et mandata ac inhibiciones et processus in talibus fieri consuetos fecit, excommunicacionis suspensionis et interdicti sentencias in se publice continentes et excommunicacionis sentenciam in contradictores quoslibet et rebelles ac in dictum abbatem et singulos monachos [2] dicti monasterii de Cokersand in scriptis (*f.* 35) promulgavit ac alias ac aliter prout in instrumentis publicis super premissis omnibus et singulis confectis plenius continetur, que et contenta in eis hic dat dispositive proposicionibus et articulis quantum faciunt pro parte sua et contra partem adversam, et non alias nec ultra et non valens ad ulteriorem execucionem litterarum apostolicarum hucusque procedere se suis collegis super execucione ulteriori hujusmodi excusavit palam publice et notorie.

(20) Item quod premissa omnia et singula sunt vera publica et notoria et de premissis omnibus et singulis fuit et est publica vox et fama.

(21) Item ponit et probare intendit quod dictus Thomas Sotheron ad venerabilem et religiosum virum fratrem Johannem de Lyn[d]ley abbatem monasterii de Whalleya nuper de

[1] citacionem *cancelled.* [2] MS.: monichos.

anno Domini millesimo trecentesimo lxviij et de mense Augusti personaliter accessit et sibi processus et commissionis predicti domini abbatis monasterii beate Marie executoris principalis literas, necnon dicti magistri Johannis de Irtellingburgh subexecutoris predicti processus in hujusmodi negocio factos presentavit ac ipsum cum instancia requisivit ut ad execucionem contentorum in litteris apostolicis et processibus predictis procedere dignaretur, quas quidem litteras et processus dictus dominus abbas recepit et admisit ac eas coram se legi fecit et ipsis lectis dictis abbati (*f.* 35*v*) et conventui monasterii de Cokersand litteras apostolicas et processus hujusmodi intimavit et notificari et intimari fecit in ecclesia monasterii de Cokersand et in ecclesia de Mittona ac eos ipsarum auctoritate moveri et requiri fecit quod dictam ecclesiam et ejus possessionem sub penis in dictis processibus contentis realiter et omnino vacuam et a nemine occupatam dimitterent infra terminum in dictis processibus contentum, ac ipsos citavit et mandavit ut certo termino coram eo in cimiterio parrochialis ecclesie de Mittona legitime comparerent ad dicendam causam quare non deberent a dicta parrochiali ecclesia amoveri et ipse Thomas in ejus possessionem induci et inductum defendi et alias et aliter prout in ipsius domini abbatis de Whalleya litteris plenius continetur, quas et contenta in eis dat hic proposicionibus et articulis quantum faciunt aut facere videntur seu possunt pro parte sua et contra partem adversam et non alias nec ultra.

(22) Item quod dictus Thomas et ejus procuratores in termino in litteris citatoriis ipsius domini abbatis de Whalleya limitato in cimiterio parrochialis ecclesie de Mittona comparuerunt et litteras citacionis hujusmodi debite executas representarunt et dictorum abbatis et conventus de Cokersand contumaciam accusarunt et in eorum contumaciam petierunt dictum Thomam in corporalem possessionem (*f.* 36) dicte ecclesie induci et inductum defendi, et tunc dominus abbas de Whalleya ipsos abbatem et conventum sepius et solempniter

preconizari fecit et quia coram eo nullomodo comparere curarunt reputavit contumaces et in eorum contumaciam litteras apostolicas et processus predictos coram eo legi fecit, ipsos abbatem et conventum de Cokersand sub penis in dictis processibus contentis ne ipsum in execucione litterarum apostolicarum et contentorum in eis in aliquo impedirent ammonuit, et sic fuit et est verum publicum et notorium dictum habitum et reputatum habetur dicitur et reputatur palam publice communiter et notorie.

(23) Item quod dictus dominus abbas post lecturam dictarum litterarum apostolicarum et processuum inde secutorum sic factam coram eo ut est dictum, ipsum Thomam Sotheron per manum cepit et eum ad ecclesiam ipsam secum duxit et ipsum Thomam per portam ipsius ecclesie tunc apertam in ipsam ecclesiam pacifice introduxit, nemine se opponente nec in aliquo reclamante et sibi cordas campanarum libros missalia calicem et ornamenta altaris tradidit et liberavit in signum pacifice possessionis sibi tradite, quodque dictus Thomas premissa omnia et singula per dictum dominum abbatem in signum possessionis ut predicitur sibi tradite in signum hujusmodi possessionis recepit et admisit et possessionem dicte ecclesie nactus (*f.* 36*v*) fuit pacifice et quiete, nemine se opponente nec in aliquo contradicente et sic fuit et est verum publicum et notorium dictum habitum et reputatum publice communiter et notorie.

(24) Item quod dictus dominus Thomas Sotheron post possessionem hujusmodi sit adepta jussit ministris et clericis dicte ecclesie quod ad missam campanas dicte ecclesie pulsarent ut est moris et campanas ad missam pulsari publice fecit et se ipsum vestimentis et ornamentis missalibus ut moris est induit et se indui fecit et missam in conspectu parrochianorum dicte ecclesie in magna multitudine ibi congregatorum celebravit et post offertorium dicte misse parrochiani dicte ecclesie prefato domino Thome ut eorum rectori publice obtulerunt et oblaciones dederunt usque ad valorem trium florenorum monete Anglicane

quodque dictus dominus Thomas hujusmodi pecunias recepit et inbursavit nemine opponente nec in aliquo contradicente atque post hujusmodi missam finitam dictus dominus Johannes abbas ipsum dominum Thomam ad mansuum rectorem dicte ecclesie adduxit et ipsum in corporalem possessionem dicti mansi nemine se opponente nec in aliquo reclamante induxit palam publice et notorie.

(25) Item quod dictus Thomas ipsa nocte possessionis parochianos dicte ecclesie juxte morem patrie laudabilem in dicto manso communivit et sic(*f.* 37) possessionem pacificam per plures menses tenuit et possedit nemine se opponente nec in aliquo contradicente palam publice et notorie.

(26) Item quod dicti religiosi viri abbas et conventus de Coukersand predictum abbatem de Whalleya et alios executores predictos sub penis et censuris in processibus predictis latis moniti et requisiti per dictum dominum Thomam possessionem dicte ecclesie esset pacifice assecutus ipsum permitterent dictam ecclesiam et ejus possessionem pacifice gaudere et alias et aliter prout in ipŝis processibus plenius continetur, spretis hujusmodi monicionibus et mandatis et post terminum monicionis hujusmodi et postquam dictus Thomas post adeptam possessionem hujusmodi, ne quis vel qui eum in jure a possessione dicte ecclesie molestarent seu molestaret ad curiam Cantuariensem t . . ctorie et ad sedem apostolicam directe provocaverat et appellaverat et appellacionem hujusmodi eisdem religiosis viris intimaverat et postquam dictus Thomas ipsam ecclesiam sic assecutam per plures menses pacifice possedisset, cum vi et violencia et multitudine armatorum ad dictam parrochialem [ecclesiam] fratrem Thomam de Burgh' canonicum dicti monasterii transmiserunt et Walterum de Hawkeswarth procuratorem dicti domini Thome et alios ipsius Thome familiares verberaverunt et cum arcubus (*f.* 37*v*) et sagittis fugarunt et ipsos extra mansos dicte ecclesie et aliquos de ipsa ecclesia violenter et cum violencia ejecerunt et dictum Thomam dicta ecclesia, ejus possessione et bonis ejus in parrochia

existentibus spoliarunt et spoliari demandarunt et fecerunt et spoliacionem hujusmodi nomine suo factam ratam et gratam habuerunt et habent pariter et acceptam et ipsum Thomam dicta parrochiali ecclesia et ejus possessione detinent spoliatum et se in dicta ecclesia et ejus possessione intruserunt et ipsam detinuerunt prout detinent indebite occupatam, fructus redditus et proventus ejusdem perceperunt et percipiunt et dilapidarunt ac consumpserunt et consumunt pro suo libito voluntatis indebite et injuste, quodque propterea excommunicacionis sentencias in dictis processibus latas dampnabiliter incurrerunt et fuerunt et sunt notorie excommunicati et excommunicacionem hujusmodi sustinuerunt et sustinent animo indurato et sic fuit et est verum publicum et notorium dictum habitum et reputatum habetur dicitur et reputatur palam publice et notorie.

(27) Item quod multe res et multa bona mobilia ejusdem Thome et ejus fratris[1] tempore spoliacionis predicte in dicta ecclesia et ejus manso districtu et ejus parrochia fuerunt erant constitute et constituta (*f.* 38) et presertim res et bona infrascripta, videlicet centum viginti boves et vaccas, lx. equos et jumenta, xx. quarteria frumenti, lx. quarteria avene, xvj quarteria ordei et utensilia seu suppellectilia pro dicto domino Thoma et ejus fratre, servientibus et ministris, dicteque res et bona tempore spoliacionis predicte et ante et post ad ipsum Thomam et ejus fratrem pertinebant et pertinuerunt, quodque res et bona hujusmodi valuerunt et valebant communi estimacione tempore spoliacionis predicte et haec valerent si exstarent cccc. marchas sterlingorum et amplius, dictique abbas et conventus per se et suos res et bona hujusmodi omnia et singula supradicta tempore spoliacionis hujusmodi contra voluntatem dicte Thome et ejus fratris et procuratorum ac ministrorum suorum animo spoliandi eundem violenter et temere ut supradictum est invaserunt et invadi rapi et violenter subtrahi fecerunt ut est dictum et immensionem spolia-

[1] i.e. John Sotheron.

cionem et rapinam hujusmodi nomine ipsorum factam gratam et ratam habuerunt et habent et habere se dixerunt et ipsa bona distrahi fecerunt et consumi pro suo libito voluntatis et sic fuit et est verum publicum et notorium dictum habitum et reputatum habetur dicitur et (*f.* 38*v*) reputatur palam communiter et notorie.

(28) Item quod premissa omnia et singula sunt vera publica et notoria et de premissis omnibus et singulis fuit et est publica vox et fama.

(29) Item quod dictus Thomas Sotheron tempore date dictarum litterarum apostolicarum et processuum inde secutorum et diu ante fuit prout est presbiter et in possessione presbiteratus ac habitum et tonsuram publice gessit presbiterales et clericales et major triginta annorum etatis sue et alias habilis et ydoneus ad dictam parrochialem ecclesiam obtinendam et talem et pro tali se habuit nominavit et reputavit ac habitus nominatus et reputatus fuit et est palam communiter publice et notorie.

(30) Item dat de executoribus subexecutoribus procuratoribus et aliis quibuscumque ministris qui in execucione dicti negocii aliquid fecisse dicuntur vel fecerunt ac notis et sigillis et eorum habilitate et sufficiencia fide et valore ut est moris.

(31) Item dat proposicionibus et articulis producta et producenda in hac causa dispositive narrative communiter divisim et de quolibet quantum faciunt aut facere videntur vel possunt pro parte sua et contra partem adversam et non aliter nec ultra.

(32) Item protestatur ut est moris.

[margin : Peticio summaria partis nostre]

Petit igitur procurator predictus per vos dominum auditorem et vestram diffinitivam sentenciam pronunciari decerni et declarari intrusionem violenciam spoliaciones occupaciones et detenciones predictas per dictos abbatem et conventum monasterii de Cokersand et eorum nomine factas et omnia inde secuta fuisse et esse temerarias illicitas et injustas et temeraria illicita

et injusta et eis super ipsis perpetuum silencium imponendum fore et ipsos abbatem et conventum a dicta ecclesia et ejus possessione occupacione et detencione ammovendos fore et amoveri ac ipsum Thomam ad predictam ecclesiam et ejus possessionem pacificam restituendum et reintegrandum fore ac restitui et reintegrari et ad ejus possessionem reduci dictosque abbatem et conventum in fructibus ex dicta parrochiali ecclesia perceptis et qui percipi potuerunt a tempore spoliacionis hujusmodi, necnon in bonis predictis et ad eorum restitucionem si extant, alioquin in predictis cccc. marchis et que ad tantum estimat justa et vera estimacione ac in expensis in causa hujusmodi factis condempnandos fore et condempnari et defuturis et faciend. protestatur, ipsosque abbatem et conventum excommunicacionis sentencias in dictis processibus latas incurrisse et incurrere et eis ligatos et involutos fuisse et esse et tales et pro talibus publicandos et denunciandos ac publicari et denunciari (*f.* 39*v*) et alias in et super ac de premissis omnibus et singulis sibi et parti sue fieri justicie complementum premissis proponit et petit procurator predictus omni via modo et forma juris quibus melius potest, vestrum graciosum officium humiliter implorando juris beneficio addendi minuendi etc. sibi in omnibus semper salvis. Et protestatur ut est moris.

27. Die Lune xviij dicti mensis Martii comparuit in judicio coram domino auditore prefato Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedente magister Hermannus de Ureden procurator predictus nomine procuratorio quo supra, petens per dominum auditorem prefatum citari mandari partem sibi adversam predictam per aliquem domini nostri pape cursorem ad aliquam certam diem competentem ad videndum in hujusmodi causa more solito inhiberi, quam citacionem memoratus dominus auditor decrevit et concessit eamque ut petita fuerat ad statum videlicet ad diem et horam presentes per Petrum de Bougrant domini nostri pape cursorem tunc

ibidem presentem et intelligentem peremptorie fieri voluit et mandavit, similemque terminum et ad idem dicto magistro Hermanno procuratori presenti et intelligenti peremptorie statuit et assignavit. Qui quidem cursor hujusmodi mandata in se sponte suscipiens vadens et rediens retulit domino auditori et michi (*f.* 40) Petro presentis cause notario predicto se paulo ante citasse magistrum Bernardum de Bugueto procuratorem predictum Rome in dicto palacio causarum apostolico personaliter inventum ad actum locum et horam predictos prout superius a prefato domino auditore receperat in mandatis. Qua relacione facta comparuit ibidem in judicio coram domino auditore prefato adhuc ut supra ad jura reddenda in suo loco solito protribunali sedente magister Hermannus de Ureden procurator predictus nomine procuratorio quo supra et partis sibi adverse non comparentis nec hujusmodi diei termino satisfacere curantis contumaciam accusavit, petens eam contumacem reputari et in ejus contumaciam satisfaciendo hujusmodi diei termino pro parte sua petiit per dominum auditorem prefatum in hujusmodi causa more solito inhiberi ; et tunc memoratus dominus auditor dictam partem non comparentem nec hujusmodi diei termino satisfacientem licet debite exspectatum reputavit quoad actum hujusmodi contumacem et in ejus contumaciam in hujusmodi causa more solito inhibuit, prout hec et alia in quodam publico instrumento desuper confecto per me Petrum presentis cause notarium predictum infrascripti tenoris plenius continetur. De quibus omnibus et singulis dictus magister Hermannus procurator petiit sibi fieri publicum instrumentum, presentibus discretis viris magistris Antonio Petri de Fractis et Hugone de Claron clericis Gaietanensis et Cathalaunensis diocesis notariis publicis dictique domini auditoris scribis testibus ad premissa vocatis specialiter et rogatis.

28. (*f.* 40*v*) Tenor vero instrumenti inhibicionis de quo proxime supra fit mencio talis est : [*Five pages blank*]

29. (*f.* 43) Die Mercurii xx. dicti mensis Marcii comparuit in judicio coram domino auditore prefato Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedente magister Bernardus de Bugueto procurator predictus nomine procuratorio quo supra et satisfaciendo hujusmodi diei termino pro parte sua et contra posiciones et articulos pro parte sibi adversa in hujusmodi causa datos verbo et generaliter excepit, dicens quod sunt frivoli frustratorii vani vagi obscuri incerti impertinentes inadmissibiles et alias tales quod in quantum sunt posiciones non est eis respondendum, in quantum sunt articuli non sunt aliqualiter admittendi prout ex ipsorum inspeccione plene dixit apparere et alias paratum dicere se obtulit verbo vel in scriptis si opus fuerit, de quo expresse fuit protestatus et sic a judicio se absentavit. Eo vero absente comparuit ibidem in judicio coram domino auditore prefato adhuc ut supra ad jura reddenda protribunali sedente magister Hermannus de Ureden nomine procuratorio quo supra et satisfaciendo hujusmodi diei termino pro parte sua quandam excepcionum papiri cedulam contra posiciones et articulos pro parte sibi adversa in hujusmodi causa datos infrascripti tenoris exhibuit et produxit, dicens excipiens et protestans prout in ea continetur, petens nichilominus citari mandari partem sibi adversam predictam per aliquem domini nostri pape cursorem ad aliquam certam diem (*f.* 43*v*) competentem ad declarandos et declarari videndos posiciones et articulos in hujusmodi causa datos ; quam citacionem memoratus dominus auditor decrevit et concessit eamque ut petita fuerat ad octavam diem proxime futuram si juridica fuerit, alioquin ad primam extunc immediate sequentem diem juridicam qua ipsum dominum auditorem Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedere contigerit, per Jacobum Georgii domini nostri pape cursorem tunc ibidem presentem et intelligentem peremptorie fieri voluit et mandavit, similemque terminum ad idem dicto magistro Hermanno pro-

curatori presenti et petenti peremptorie statuit et assignavit ; qui quidem cursor hujusmodi mandatum in se sponte suscipiens vadens et post prandium ad hospicium dicti domini auditoris rediens, in quo retulit michi Petro presentis cause notario predicto in camera mea se citasse paulo ante magistrum Bernardum de Bugueto procuratorem predictum Rome personaliter inventum ad diem actum locum et horam predictos prout superius a prefato domino auditore receperat in mandatis. Deinde vero loco et hora proxime dictis idem cursor retulit michi Petro presentis cause notario predicto se de mandato dicti domini auditoris et ad supradicti magistri Bernardi de Bugueto procuratoris instanciam citasse paulo ante dominum Thomam de Sotheron principalem predictum Rome personaliter inventum ad octavam diem proxime futuram si juridica fuerit, alioquin (*f.* 44) ad primam extunc inmediate sequentem diem juridicam qua ipsum dominum auditorem Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedere contigerit, ad declarandos et declarari videndos posiciones et articulos in hujusmodi causa datos prout et quemadmodum idem cursor a prefato domino auditore ut asseruit habuerat in mandatis.

30. Tenor vero dicte excepcionum cedule per magistrum Hermannum procuratorem exhibite talis est :

Protestatur ante omnia procurator et procuratorio nomine domini Thome Sutheron rectoris ecclesie parrochialis de Mittona Eboracensis diocesis, quod si et quatenus data contenta seu descripta in posicionibus et articulis partis adverse faciunt aut facere videntur et possunt pro parte sua et contra partem adversam, quod illa non impugnat nec impugnare intendit sed ipsa in ea parte dumtaxat per modum tacite confessionis recipit et admittit. In quantum vero faciunt vel facere videntur seu possunt pro parte adversa et contra partem suam, contra ipsos articulos excipit et dicit quod sunt nimis generales vagi obscuri indeterminati inefficaces invalidi calumpniosi imper-

tinentes et repugnantes sibi invicem, condicionales negativi falsi [q]uoque et ficti et de falsa materia fabricata et solum concernunt petitorium judicium quod est suspensum et alias tales quod eis in quantum sunt posiciones non fuit nec est aliqualiter respondendum, nec ipsi in quantum sunt articuli et (*f.* 44*v*) pro articulis dati sunt aliqualiter admittendi nec possunt nec debent admitti de jure, cum veritatem in facto non contineant et peccent in materia et in forma prout in ipsis materia et forma multipliciter sunt peccantes et prout ex ipsorum et aliorum actorum et actitorum in causa presenti inspeccione clare constare possunt et prout latius dabitur et dicetur verbo et in scriptis de quo protestatur. Item protestatur ut est moris.

31. Die Mercurii xxvij dicti mensis Marcii comparuit in judicio coram domino auditore prefato Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedente magister Hermannus de Ureden procurator predictus procuratorio nomine quo supra et partis sibi adverse non comparentis nec declaraciones aliquas exhibere curantis contumaciam accusavit, petens eam contumacem reputari et in ejus contumaciam satisfaciendo hujusmodi diei termino quedam papiri folia declaraciones posicionum et articulorum pro parte sua in hujusmodi causa datorum in se continencia infrascripti tenoris exhibuit et produxit, petens per dominum auditorem prefatum citari mandari partem sibi adversam predictam per aliquem domini nostri pape cursorem ad aliquam certam diem competentem ad dicendum et opponendum quidquid dicere seu opponere voluerit verbo vel in scriptis contra hujusmodi declaraciones ut premittitur exhibitas ; et tunc prefatus dominus auditor dictam partem non comparentem nec hujusmodi diei termino satisfacere curantem licet debite exspectatam (*f.* 45) reputavit quoad actum hujusmodi contumacem et in ejus contumaciam citacionem ut proxime supra petitam decrevit et concessit eamque ut petita fuerat

ad octavam diem proxime futuram si juridica fuerit, alioquin ad primam extunc inmediate sequentem diem juridicam qua ipsum dominum auditorem Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedere contigerit, per Georgium Rolandi domini nostri pape cursorem tunc ibidem presentem et intelligentem peremptorie fieri voluit et mandavit. Copiam ipsarum declaracionum si eam habere voluerit sibi intimari fieri decrevit. Qui quidem cursor hujusmodi mandatum in se sponte suscipiens, vadens et rediens retulit domino auditori et michi Petro presentis cause notario predictis se paulo ante citasse magistrum Bernardum de Bugueto procuratorem predictum Rome in dicto palacio causarum apostolico personaliter inventum, ad diem actum locum et horam predictos prout superius a prefato domino auditore receperat in mandatis.

32. Tenor vero declaracionum per magistrum Hermannum procuratorem exhibitorum talis est :[1] Procurator et procuratorio nomine domini Thome Sothern rectoris ecclesie parrochialis et secularis de Mittona Eboracensis diocesis, salvo jure suspensionis peticioni per ipsum nuper in hac causa facte, a qua recedere vel petitorium resumere non intendit quousque pars sua plene et integre fuit restituta, de quo personaliter (*f.* 45*v*) specialiter et ante omnia protestatur et ostendendas tamen futilitatem et fabricacionem articulorum datorum per partem adversam ac nullitatem et inefficaciam unionis per partem ipsam pretense et claram devolucionem collacionis, de qua in articulis alias in termino pro parte sua in hac causa datis fit mencio ; et ad discolorandas et dispolliandas et detegendas fabricacionem et futilitatem hujusmodi dat et facit declaraciones addiciones et suppleciones infrascriptas ad articulos alias per eum datos, non intendens per aliqua que dedit seu dabit vel dat aliquid de intencione partis adverse confiteri.

In primis declarando quartum suum articulum qui sic incipit

[1] *Margin :* declaraciones partis nostre.

" Item ponit et probare intendit quod a x. xx. etc." et alios suos articulos sequentes, ponit et probare intendit quod ab omnibus et singulis temporibus in dicto articulo contentis et descriptis ac per ipsa tempora et ultra et a tempore et per tempus cujus inicii seu contrarii memoria hominum non existit, in diocesi Eboracensi et infra fines et limites ejusdem fuit esse consuevit et est unum monasterium ordinis Premonstratensis monasterium de Cokersand vulgariter et communiter nuncupatum et quod in ipso monasterio fuit esse consuevit [1] unus canonicus denominatus abbas et sex alii canonici dicti ordinis Premonstratensis [2] tamquam membra ipsius monasterii, quodque abbas [et] canonici omnes et singuli qui simul et semel in dicto monasterio a sexaginta annis etc. et a tempore fundacionis dicti monasterii fuerunt vel esse consueverunt, conjunctim et simul numerati comprehendebantur (*f.* 46) et numerabantur sub et infra numerum decem personarum et sic fuit et [est] verum publicum et notorium dictum habitum et reputatum habetur dicitur et reputatur palam publice communiter et notorie.

Item quod communis opinio reputacio assercio vox et fama communeque dictum ac verum publicum et notorium fuit et est quod a supradictis temporibus omnibus et singulis et per ipsa tempora bona jura et facultates ad dictos abbatem et conventum pertinentes et fructus redditus et proventus eorum fuerunt esse consueverunt et sunt plurimum habundantes et habundancia et sufficiencia et superexcessiva ad omnia et singula onera et expensa tam ordinaria qualitercumque ipsis et eorum monasterii incumbencia supportanda bene laudabiliter et ad plenum, deductis et sublatis fructibus et redditibus et proventibus ecclesie parrochialis de Mittona et [preter] et absque illis et non habita mencione de ipsis ..... bona jura et facultates predicta et eorum fructus redditus et proventus hujusmodi annuatim ascendebant et ascendunt ac valuerunt et valent annis singulis preter et absque fructibus seu redditibus dicte ecclesie [de] Mittona sexcentas marchas sterlingorum et amplius

[2] et est unum : cancelled. [1] MS. : Cisterciensis.

et tales et pro talibus fuerunt et sunt habiti et reputati ac dicti ac habentur reputantur et dicuntur per archiepiscopum Eboracensem ac canonicos alios et nobiles ac cleros et populum civitatis et diocesis Eboracensis palam publice communiter et notorie.

(*f.* 46*v*) Item quod ab omnibus supradictis temporibus et citra et per ipsa tempora et presertim de annis Domini millesimo trecentesimo xxxvij et xxxviij et xxxix et xl habuerunt bona jura et in villis et grangiis seu maneriis et locis infrascriptis, videlicet ac grangiis ecclesiam parrochialem de Gayrstang et villam de Gayrstang, in villa de Halughtona, in villa de Presou, in villa de Holmes juxta Pultonam, in villa de Sengeltona, in villa de Asschetona, villam de Fortona, et in villa Tarletona ac grangium seu manerium de Schonesschoug', grangium seu manerium de Ulkerige,[1] grangiam seu manerium de Holmes, grangiam sive manerium de Culparthwayt, grangiam sive manerium de Staynalfe, grangiam sive manerium de Middellarg', grangiam sive manerium de Sont'scale ac certus fructus redditus et proventus in villis et locis supradictis et eciam in civitatibus et villis infrascriptis, videlicet in civitatibus Eboracensi et Karleolen' ac in villis Lancastrie, Penrith, Mideltona, Thyrnum, Stalmyn et Kellet et sic fuit et est verum publicum et notorium dictum habitum et reputatum habetur dicitur et reputatur ac verum publicum et notorium fuit et est palam publice et notorium. (*f.* 47) Item quod civitates ville grangie maneria et loca predicta et eorum quelibet prout infra describitur distant et distare consueverunt et solebant per omnia tempora supradicta et per singulas horas eorundem a quocumque mare et a quacumque parte cujuscumque maris et a marinis fluctibus per distancias infrascriptas, videlicet civitates Eboracenses per duodecim miliaria et amplius, civitas Carcolensis[2] per sex miliaria et amplius, ecclesia de Gayrstang per v. miliaria et amplius, villa de Gayrstang per quinque miliaria

[1] See *infra*, p. 137, Ulkerige is Ulkrigge in Pilling (*V.C.H. Lancs.*, vii, 334 *n.*).
[2] For Carleolensis.

et amplius, grangia sive manerium de Pelyn per dimidium miliarium et amplius, grangia sive manerium de Hotona per tria miliaria et amplius, villa de Halughtona per tria miliaria et amplius, grangia sive manerium de Conscough [1] per unum miliarium et amplius, grangia sive manerium de Holmes per unum miliarium et amplius, villa de Holme juxta Pultonam per tria miliaria et amplius, villa de Sengiltona per tria miliaria et amplius, villa de Ellallall per unum miliarium et amplius, grangia sive manerium de Culperthwayt per unum miliarium et amplius, de Fortona per duo milliaria et amplius, villa de Lancastre per duo millia et amplius, villa de Penreth per duodecim millia et amplius, villa de Tarletona per tria millia et amplius, villa de Mideltona (*f.* 47*v*) per quatuor miliaria et amplius, grangia sive manerium de Staynolfe per duo miliaria et amplius, grangia sive manerium de Mildelargh per duo miliaria et amplius, grangia sive manerium de Sonterscale per unum miliare et amplius, villa de Mideltona per duo miliaria et amplius, villa de Thurnum per duo miliaria et amplius, et villa de Kellet per tria miliaria et amplius, et sic se habet communis opinio reputacio assercio credulitas publica vox et fama communeque dictum ac verum publicum et notorium fuit et est palam publice et notorie.

Item quod religiosi predicti perceperunt et habuerunt et percipere et habere potuerunt et poterant vel saltim .....tos stetit quominus perceperunt habuerunt percipere et habere possent per se et alios annis singulis supradictis et presertim de annis Domini millesimo trecentesimo xxxvij. xxxviij. xxxix. et xl. et continue citra et percipiunt de presenti de fructibus redditibus et proventibus ad ipsos religiosos pertinentibus et provenientibus ex locis villis et maneriis supradictis usque ad summas infrascriptas inclusive, videlicet de ecclesia de Gayrstang et fructibus redditibus et proventibus ejusdem centum libras sterlingorum, de fructibus redditibus et proventibus ville de Gayrstang xl. libras sterlingorum, de fructibus redditibus

[1] Conscough or Cunscough (*Mon. Angl.* vi, 910 ; *V.C.H. Lancs.*, vii, 59 *n*).

et proventibus manerii sive grangie (*f.* 48) de Pelyn x. libras sterlingorum, de fructibus redditibus et proventibus ville de Halghtona et ejus territoriis xx. libras sterlingorum, de fructibus redditibus et proventibus grangie sive manerii de Ulkerige quinque libras sterlingorum, de fructibus redditibus et proventibus manerii sive grangie de Holmes decem marchas sterlingorum, de fructibus redditibus et proventibus ville [de] Presall xx. marchas sterlingorum, de fructibus redditibus et proventibus ville de Holmes juxta Pultonam xij marchas sterlingorum, de fructibus redditibus et proventibus ville de Singlatona xx. marchas sterlingorum, de fructibus redditibus et proventibus ville de Elhall xv. marchas sterlingorum, de fructibus redditibus et proventibus ville de Asshtona xvj. marchas sterlingorum, de fructibus et redditibus grangie sive manerii de Culparthwayt x. marchas sterlingorum, de fructibus redditibus et proventibus ville de Fortona xx. marchas sterlingorum, de fructibus redditibus et proventibus ad ipsos religiosos pertinentibus in villa de Lancaster sex marchas sterlingorum, de fructibus redditibus et proventibus ad ipsos in civitate Eboraci pertinentibus, de fructibus redditibus et proventibus ad ipsos religiosos in civitate Karleolensi pertinentibus xj. marchas sterlingorum, de fructibus redditibus et proventibus in villa de Penreth ad ipsos pertinentibus vij. marchas cum dimidia sterlingorum, de fructibus redditibus et proventibus de Tarletona xv. marchas sterlingorum, de fructibus redditibus (*f.* 48*v*) et proventibus ville de Mideltona quinque marchas sterlingorum, de fructibus redditibus et proventibus grangie sive manerii de Staynolfe xx. marchas sterlingorum, de fructibus redditibus et proventibus grangie sive manerii de Midelarch xij marchas sterlingorum, de fructibus redditibus et proventibus grangie sive manerii de Sonterscalle x. marchas sterlingorum, de fructibus redditibus et proventibus de Thirnum xv. marchas sterlingorum, de fructibus et redditibus ville de Stalmyn vij marchas cum dimidia sterlingorum et de fructibus redditibus et proventibus ville de Kellet x. marchas sterlingorum ; sic

fuit et est verum publicum et notorium dictum habitum et reputatum habetur dicitur et reputatur palam publice communiter et notorie in locis [predictis] et locis aliis vicinis.

Item quod fructus redditus et proventus quos religiosi ipsi temporibus supradictis, presertim de annis Domini millesimo trecentesimo xxxvij. xxxviij. xxxix. et xl. [et] continue citra, de locis predictis annuatim perceperunt et habuerunt et percipere et habere consueverunt et solent et percipiunt de presenti, valuerunt et valere consueverunt et valerent si extarent et valent si extant summas predictas in proximo articulo descriptas et prout descripte sunt et amplius, quodque emptores et arrendatores reperiebantur reperirentur et reperiri possunt qui tot et tantas summas librarum et marcharum sterlingorum dedissent et darent solvissent et solverent pro fructibus redditibus et proventibus quos religiosi ipsi habuerunt et perceperunt et percipere (*f.* 49) et habere consueverunt et solent de locis predictis vel saltem habere et percipere potuissent si voluissent annuatim ; et sic se habet communis opinis reputacio assercio credulitas publica vox et fama ac verum publicum et notorium fuit et est palam publice communiter et notorie.

Item quod tot tales et tanti fructus redditus et proventus quot quales et quanti dicti religiosi perceperunt et habuerunt annuatim per se et suos vel saltem habere poterant temporibus et annis supradictis bene et optime valuerunt et valerent si extarent in locis predictis et aliis circumvicinis communi estimacione et foro communi et publico summas librarum et marcarum sterlingorum predictarum ; et sic habetur communis opinio reputacio credulitas assercio publica et fama palam publice et notorie.

Item quod premissa omnia et singula sunt vera publica et notoria ac quod nullus vivit nec vivere reputatur qui viderit vel audiverit vel qui dixerit se vidisse vel audivisse contrarium alicujus premissorum, nec sunt viventes qui viderunt et audierunt a suis majoribus et senioribus qui dixerunt et asseveraverunt se semper vidisse et audivisse per omnia fieri et obser-

vari et teneri ac communiter reputari prout in superioribus articulis est deductum palam publice communiter et notorie.

Item quod de premissis omnibus et singulis fuit et est publica vox et fama palam publice communiter et notorie.

(*f.* 49*v*) Item ponit et probare intendit quod sinus marinus quod fluit ut pretenditur prope dictum monasterium multa commoda et bona attulit et affert ac fecit et facit dictis abbati et conventui et dicto monasterio et commorantibus in eodem, absque eo quod aliqua dampna vel incommoda a x. xx. xxx. et xl. annis proxime preteritis afferret vel faceret dicto monasterio in ejus muris vel clausuris aut possessionibus vel redditibus dicti monasterii et unum de majoribus emolimentis et commoditatibus que ad ipsum monasterium pertinent fuit et est dictus reputatus ac major commoditas dicti monasterii dicitur et reputatur ; quod ipsum monasterium situatum est prope sinum marinum hujusmodi et sic se habet communis opinio reputacio assercio credulitas communeque dictum ac verum publicum et notorium fuit et est palam publice communiter et notorie.

Item quod si unquam aliquo tempore sinus ille aut fluctus marinus aliquod incommodum dicto monasterio fecit vel aliquam partem muri seu clausure dicti monasterii lesit vel roderit, ponit et probare intendit quod hoc solum fuit una et unica vice dumtaxat, quodque lesio sive fractura hujusmodi fuerat modica et que pro modica quantitate et modica summa pecunie reparari potuit et pro modica summa reparata fuit, et quod lapidarii et cimentarii et boni magistri illius artis reperiebantur et reperirentur in partibus illis ubi dictum monasterium est constitutum, qui tantam et talem fracturam reparassent et refecissent de ita bono opere et ita forti sicut unquam fuerat et sicut est de presenti reparatus pro viginti libris sterlingorum et precio (*f.* 50) minori et sic se habet et habuit communis opinio reputacio assercio publica vox et fama communeque dictum et verum publicum et notorium fuit et est palam publice et notorie.

Item quod dictum monasterium distat ab omni et quacumque via alta et publica que ducit ad aliquam civitatem vel bonam villam seu locum aliquem alium ubi sit congregacio aliquorum hominum aut peregrinorum vel aliorum causa peregrinacionis seu devocionis aut nundinarum quatuor miliaria et amplius et sic se habet communis opinio reputacio assercio communeque dictum ac verum publicum et notorium.

Item quod communis opinio reputacio credulitas assercio communeque dictum ac verum publicum et notorium fuit et est quod abbas et conventus dicti monasterii a fundacione ejusdem monasterii et continue citra . . . et morati fuerunt in dicto monasterio absque [eo quod ullus] peregrinus vel quicumque alter homo ad ipsum veniret vel accederet aut venire consuevisset aut solet seu veniret ad petendam hospitalitatem in dicto monasterio vel ut in ipso monasterio hospitaretur, nisi forte foret aliquis notus dictorum abbatis vel alicujus canonicorum dicti monasterii vel alter aliquis qui cum ipsis pro negocio monasterii agere haberet, quodque eciam vix aliquis talis in dicto monasterio hospitari consuevit aut solet nisi rogatus et quodammodo detentus per abbatem et canonicos predictos; (*f.* 50*v*) et sic fuit et est verum publicum ac notorium dictum habitum et reputatum habetur dicitur et reputatur palam publice et notorie.

Item quod communis opinio reputacio assercio credulitas communeque dictum ac verum publicum notorium fuit et est quod quilibet bonus et honestus paterfamilias seu yconomius aut hospitalarius potuisset et poterat ab omnibus supradictis temporibus et per ipsa tempora et citra et post eciam de presenti in illis partibus ubi dictum monasterium est constitutum tenuisse et tenere tantum et talem hospitalitatem et multo majorem comparentem, quantam et qualem tenuerunt et observaverunt abbas et conventus dicti monasterii ejusdem et presertim tenent de presenti aut tenuerunt aliquo tempore predictorum et presertim de annis Domini M.CCC. xxxvj. xxxvij. xxxviij. xxxix. et xl., et quan-

tam et qualem tenere vel observare tenentur et ad quam ar[c]tari deberent vel possunt ex fundacione dicti monasterii, absque eo quod expendere deberet vel posset in hospitalitate hujusmodi ultra alias necessarias expensas pro se et familia sua decem marchas sterlingorum; et sic habetur dicitur asseritur et reputatur apud omnes habentes noticiam dicti monasterii et partium predictarum palam publice et notorie.

(*f.* 51) Item quod Scoti et alii quicumque hostes seu inimici et rebelles regni Anglie a x. xx. xxx. xl. et xliiij annis et ultra et citra abstinuerunt et abstinebant et abstinere dicti fuerunt aliquas terras possessiones aut loca alia quecumque qualitercumque infra civitatem vel dyocesim Eboracensem constituta invadere comburere vel devastare aut homines aliquos vel animalia infra ipsam diocesim capere vel depredari seu alia nocumenta guerrina habitatoribus civitatis et diocesis Eboracensis infra ipsas civitates aut diocesim inferre vel ipsos in locis hujusmodi molestare et presertim dictos abbatem et conventum et eorum o.... aut villas grangias maneria terras possessiones seu bona ad ipsos qualitercumque pertinencia qualitercumque nocere vel aliqua incommoda sive dampna in.... aut rebus inferre; et sic se habet communis opinio reputacio assercio credulitas publica vox et fama ac verum publicum et notorium fuit et est palam publice et notorie.

Item quod abbas et conventus dicti monasterii tempore unionis pretense et presertim de annis Domini millesimo trecentesimo xxxvj. xxxvij. xxxviij. xxxix. et xl. et ultra et continue citra, absque omni et quocumque hostili incursu et presertim Scotorum tenuerunt habuerunt et possederunt omnes terras et possessiones fructus redditus et proventus dicti monasterii sanas et integras et illesas et ita pacifice et quiete sicut ipsi vel eorum predecessores umquam aliquo tempore habuerant seu nunc tenuerant seu (*f.* 51*v*) nunc tenuerunt et sicut eos tenent de presenti et absque omni et quacumque devastacione; et sic fuit et est verum publicum et notorium dictum

habitum et reputatum, habetur dicitur et reputatur palam publice communiter et notorie.

Item quod dicta parrochialis ecclesia habuit habere consuevit magnam largam et amplam et latam parrochiam, novem villas [1] et amplius multum populatas et plenas populo et multos parrochianos utriusque sexus tam nobiles quam eciam populares et alios mediocres, et continet decem miliaria in longitudine et sex miliaria in latitudine et quod eidem ecclesie et ejus rectori et gubernatori magna et solicita cura animarum imminet et que per unum presbiterum absque alio adjutorio commode et honeste gubernari non potest nec potuit ; et sic fuit et est verum publicum et notorium dictum habitum et reputatum habetur dicitur asseritur et reputatur palam et publice apud omnes habentes noticiam dicte parrochie ac communiter et notorie.

Item ponit et probare intendit quod bone memorie dominus Willelmus de Tatham ultimus rector dicte parrochialis ecclesie et omnes et singuli predecessores seu rectores ejusdem tenuerunt et habuerunt semper et continue duos vel tres commensales presbiteros et alios quatuor vel quinque familiares clericos et laycos in dicta ecclesia deservientes in subsidium suum et ad supportandum curam animarum parrochianorum dicte parrochialis ecclesie (*f.* 52) et ad serviendum dicte ecclesie et ejus parrochianos laudabiliter in divinis, quodque temporibus rectorum hujusmodi dicte ecclesie et ejus parrochianis in divinis officiis et aliis ad curam hujusmodi pertinentibus fuit et erat laudabiliter deservitum ; et sic se habuit et habet communis opinio reputacio assercio communeque dictum ac publicum verum et notorium fuit et est palam publicum et notorium.

Item quod a tempore quo dicti religiosi ipsam ecclesiam detinuerunt prout detinent indebite occupatam solum et dumtaxat fuit ibi unus presbiter deputatus qui curam animarum parrochianorum dicte ecclesie exerceret, et quod solummodo

[1] Great and Little Mitton, Aighton, Bailey, Chaigley, Bashall, Waddington, West Bradford, Grindleton.

unus presbiter a temporibus predictis absque alio adjutorio hujusmodi curam licet minus sufficienter et indebite exercuit, et quod propter insufficienciam et paucitatem ministrorum ecclesie temporibus hujusmodi et citra et per ipsa tempora plures infantes absque baptismo et plures mulieres in puerperio cubantes et plures alii infirmi parrochiani dicte parrochialis ecclesie absque viatico et sacramentis ecclesiasticis consuetis talibus ministrari, licet ea ipsi et eorum parentes instantissime peterent et postularent eis dare, obierunt ; quod vix in diebus dominicis et festivis nisi quando oblaciones fieri debent, misse et alia divina officia a dictis temporibus et citra dicta fuerunt aut erant celebrata vel dicta, et quod propterea a predictis temporibus et citra divinum officium est in dicta ecclesia parro(*f.* 52*v*) chiali tamsolempni non modice sed multipliciter diminutum ac quod propterea grave scandalum est subortum ; et sic se habet communis opinio reputacio credulitas communis et vulgaris assercio communeque ac verum publicum et notorium fuit et est palam publice et notorie.

Item quod pro omnibus supradictis temporibus et presertim de annis Domini millesimo trecentesimo xxxvij. xxxviij. xxxix. et xl. et continue citra cessavit et defuit omnis et omnimoda causa necessaria et quelibet et quecumque urgens necessitas dicti monasterii ac omnis et omnimoda utilitas dicte parrochialis ecclesie et quecumque alia causa legitima que movere deberet aut possit [pretextu] alicujus boni [ab]lati ad hujusmodi unionem pretensam faciendam et omnis causa quare hujusmodi unio fieri deberet aut posset ; et sic se habet communis opinio reputacio assercio credulitas publica vox et fama ac verum publicum et notorium fuit et est palam publice et notorie.

Item quod premissa omnia et singula sunt vera publica notoria et de premissis omnibus et singulis fuit et est publica vox et fama.

Item in casum et eventum in quo constitit vel constare possit quod dicta ecclesia parrochialis umquam aliquo tempore dictis

abbati et conventui aut eorum monasterio unita seu incorporata fuerat vel de hoc datum seu articulatum fuit probabiliter seu admissabiliter, non intendens per aliqua que dedit aut dabit dixit seu dicet aliquid de intencione partis (*f.* 53) adverse confiteri sed pocius diffiteri et in illum casum dumtaxat ponit et probare intendit articulos infrascriptos :

In primis ponit et probare intendit quod si umquam aliqua unio reperiatur fore factam, quod hujusmodi pretensa unio licet nulla et invalida solum de facto per quondam Willelmum tunc archiepiscopum Eboracensem facta fuit et hoc sub data apud Thorp prope Eboracum ij kalendas Novembris ; et sic fuit et est verum publicum et notorium dictum habitum et reputatum habetur dicitur et reputatur palam publice et notorie.

Item quod si umquam de consensu decani et capituli Ebor prestito vel habito in unione hujusmodi facienda constitit seu constare possit vel docta fuit seu doceri de aliquo tractatu per dictum quondam Willelmum archiepiscopum cum decano et capitulo suo Eboracensi habita seu pro unione hujusmodi facienda et de ejus causis inquirendis, ponit et probare intendit quod scripture si qui super premissis ex parte dictorum decani et capituli facte fuerunt, quod hujusmodi scripture fuerunt et sunt de et sub data Ebor. in capitulo ij die Novembris.

Item ponit et probare intendit quod capitulum ecclesie Ebor. et locus capitularis ejusdem et villa sive manerium de Thorp prope Eboracum distant ab invicem et mutuo per duo miliaria vel amplius ac quod datum ij kalendas Novembris precedit justo computo datum secunde diei Novembris per tres dies vel circiter ; (*f.* 53*v*) et sic fuit et est verum publicum et notorium dictum habitum et reputatum habetur dicitur et reputatur palam publice et notorie.

Item quod premissa omnia et singula sunt vera publica et notoria et de premissis omnibus et singulis fuit et est publica vox et fama.

Item declarat et pro declaratis habere vult omnes et singulas

posiciones et articulos suos alias in hac causa datas quoad nomina et cognomina, loco et tempora et alias circumstancias et qualiter prout in productis et producendis pro parte sua in hac causa continetur, et eximit tollit ac subducit omnes errores et contrarietates si ille in articulis ipsis fuerint vel appareant et eas ex[imit ac] corrigit prout in ipsis productis et producendis continetur.

Item protestatur ut est moris.

33. Anno indiccione et pontificatu quibus supra die Mercurii tercia mensis Aprilis comparuit in judicio coram domino auditore prefato Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedente magister Bernardus de Bugueto procurator predictus procuratorio nomine quo supra, et satisfaciendo hujusmodi diei termino pro parte sua contra declaraciones pro parte sibi adversa in hujusmodi causa datas verbo et generaliter excepit, dicens quod sunt frivole frustratorie vane obscure (*f.* 54) impertinentes et alias tales quod non declaraciones [sed] yma[gina]ciones dici merentur, prout ex ipsorum inspeccione apparere et alias paratum dicere se obtulit verbo .... si opus fuerit, de quo fuit expresse protestatus et se absentavit. Eo vero absente comparuit in judicio coram domino auditore prefato adhuc ut supra ad jura reddenda protribunali sedente magister Hermannus de Ureden procurator predictus nomine procuratorio quo supra, petens per dominum auditorem prefatum citari mandari partem sibi adversam predictam per aliquem domini nostri pape cursorem ad aliquam certam diem co[mpa]rentem ad producendum et produci videndum omnia et singula jura acta litteras instrumenta et munimenta quibus in hujusmodi causa uti et se juvare intendat seu velit. Quam citacionem memoratus dominus auditor decrevit et concessit eamque ut petita fuerat ad octavam diem proxime futuram si juridica fuerit, alioquin ad primam extunc immediate sequentem diem juridicam qua ipsum dominum auditorem Rome vel alibi ubi

tunc dominus noster papa cum sua curia residebit mane hora causarum ad jura reddenda in suo loco solito protribunali sedere contigerit, per Egidium Martini domini nostre pape cursorem tunc ibidem presentem et intelligentem peremptorie fieri voluit et mandavit, similemque terminum et ad idem dicto magistro Hermanno procuratori presenti et petenti peremptorie statuit et assignavit. Qui quidem cursor hujusmodi mandatum in se sponte suscipiens, vadens et rediens retulit domino auditori et michi Petro (*f.* 54*v*) notario predictis se paulo ante citasse magistrum Bernardum de Bugueto procuratorem predictum Rome in dicto palacio causarum apostolico personaliter inventum ad diem actum [atque] horam predictos prout superius a prefato domino auditore receperat in mandatis.

Die Veneris quinta dicti mensis Aprilis comparuit in judicio coram domino auditore prefato Rome in palacio causarum apostolico predicto mane hora causarum ad jura reddenda in suo loco solito protribunali sedente magister Hermannus de Ureden procurator predictus nomine procuratorio ut supra, petens per dominum auditorem prefatum citari mandari quosdam testes affuturos ad perhibendum testimonium veritati in hac causa et magistrum Bernardum de Bugueto procuratorem ex adverso predictum ad videndum dictos testes produci admitti recipi jurari per aliquem domini nostre pape cursorem ad aliquam certam diem competentem. Quas quidem citaciones dominus memoratus dominus auditor decrevit et concessit easque ut petite fuerunt ad statum videlicet ad diem et horam presentes per Bernardum de Soriaco domini nostri pape cursorem tunc ibidem presentem et intelligentem peremptorie voluit et mandavit. Qui quidem cursor hujusmodi mandata in se sponte suscipiens . . . [*Incomplete.*]

34. (*f.* 55) cum effectu dicto fratri Johanni de Sallay canonico abbatis et conventus in hac parte procuratori seu nuncio infra terminum in dictis vestris litteris limitatum, prefatusque

reverendus pater dominus archiepiscopus ut premittitur requisitus asseruit et protestabatur expresse quod dictis monicionibus auctoritate apostolica sibi factis et mandatis apostolicis voluit prout tenebatur et quatenus in eo fuit humiliter obedire. Et postmodum eodem die nono dicti mensis Septembris prefatus reverendus pater dominus archiepiscopus supradictus in dicto manerio suo de Thorp omnia et singula regestra tam sua quam prefati Willelmi de Melton dudum archiepiscopi Ebor. predecessoris sui et alia quecumque in suis archivis ubicumque consistencia in quibus littere, instrumenta, processus, munimenta et scripture unionem, annexionem et causas predictas tangencia continebantur, per discretum virum magistrum Nicholaum de Burton rectorem ecclesie sancte Trinitatis in curia regis Eboracensis ipsius patris registratorem ac hujusmodi registrorum et archivorum suorum custodem, michi et dicto procuratori ostendi et exhiberi ac ea per notarium infrascriptum de eisdem registris extrahi fideliter transumi, transcribi et in forma publica redigi, ipsaque procuratori abbatis et conventus predictorum seu nuncio in hac parte deputato tunc ibidem presenti tradi mandavit et actualiter liberari. Et ego Willelmus vicarius predictus prefatum Thomam Sotheron ad dictos diem et locum, ac ut premittitur ad premissa legitime (*f.* 55*v*) citatum et nullo modo comparentem pronunciavi prout erat merito contumacem ac in penam contumacie sue hujusmodi nonnulla litteras, instrumenta, processus, acta, scripturas et munimenta contenta et conscripta in predictis registris per prefatum Nicholaum de Burton de mandato prefati patris domini archiepiscopi in dicto manerio de Thorp eodem nono die predicti mensis Septembris coram me ac notario et testibus infrascriptis publice producta ostensa et exhibita vidi diligenter et inspexi, ac ea per notarium publicum infrascriptum de eisdem registris integraliter et fideliter extrahi transumi et transcribi et in formam publicam redigi auctoritate vestra michi in hac parte commissa mandavi et feci, nil addendo vel minuendo quod facti substanciam [commu]tet vel variet intellectum.

Que quidem littere instrumenta processus scripture acta et munimenta de predictis regestris ut premittitur extracta tenores continent infrascriptos [1] :

35. In Dei nomine amen. Acta in negocio seu processu appropriacionis ecclesie parrochialis de Mittona Eboracensis diocesis facta religiosis viris abbati et conventui monasterii de Cokersand ordinis Premonstratensis dicte diocesis per reverendum in Christo patrem dominum Willelmum Dei gracia Eboracensis archiepiscopum Anglie primatem et coram eo et commissariis suis infrascriptis.[2] In primis frater Willelmus de Bosdona abbas dicti monasterii coram dicto reverendo patre in manerio suo de Cawode quinto kalendas Julii anno Domini millesimo trecentesimo tricesimo octavo personaliter comparens porrexit eidem venerabili (*f.* 56) patri quandam supplicacionem in scriptis redactis, cujus tenor sequitur in hec verba [3] :

36. Paternitati vestre reverende supplicant devoti filii vestri abbas et conventus de Cokersand vestre diocesis, quod habentes respectum ad infrascripta et ob causas infrascriptas Dei intuitu ad ipsorum relevamen ecclesiam parrochialem de Mittona vestre diocesis patronatus ipsorum abbatis et conventus ipsis appropriare dignetur vestra paternitas reverenda, maxime cum idem monasterium de Cokersand inter mare occidentalem et loca palustria situatur ; quod quidem mare super muros dicti monasterii impetuosis fluctibus bis in die et nocte inundat, adeo quod nisi aliunde succurratur infra breve ad ruinam deducetur.[4] Item fere omnes terre pasture et maneria que

Notes in margin :

[1] Incipiunt tenores actorum et instrumentorum unionis pretense.

[2] Ista est certificacio de quia nullus notarius testificatur quod presens fuit in istis actibus nec archiepiscopus hoc testatur.

[3] Peticio sive suggestio abbatis.

[4] Prima causa unionis que est insufficiens et eciam est notorie falsa. Ecce articulus non dicit quod facultates monasterii non sufficerent ad sustentacionem muri ut dicit littera archiepiscopi.

habent super litus ejusdem maris existunt, que pro magna eorum parte [1] inundacionibus marinis destruuntur et quod omnino destruentur verisimiliter est timendum. Item dictum monasterium distat per quatuor leucas ad minus a terris suis arabilibus pratis et aliis comoditatibus sibi appendentibus inter mare et loca palustria supradicta, precipue cum in illis partibus transeuntes recipi non possunt neque alibi hospitari et tanta est confluencia hospitum ad dictum monasterium quod hospitalitas [2] que secundum Deum et ordinem deberent sustinere honeste prout decuit, sustentari non potest quovismodo. Item eorum grang[i]e, videlicet Colperthuait, Hildersona, Kellet, Aschetona et Ellale ac villa eorum de Gayrstang necnon edificia eorum per diversa loca (*f.* 56*v*) per invasiones Scotorum combusta fuerunt et vastata,[3] ad quorum reparacionem et alia onera necessaria supportanda predicti monasterii facultates non sufficiunt nisi aliunde misericorditer succurratur.[4] Quibus si placet pietate paterna consideratis eisdem religiosis dictam ecclesiam, cedente vel decedente rectore ipsius ecclesie qui nunc est, appropriare velit vestra benignitas pastoralis ; et quod eidem ecclesie per unum de canonicis ejusdem domus deserviri in divinis et onera supportare vobis et aliis ministris responderi poterit pro ecclesia antedicta. In quo pater et domine reverende mereri poteritis accepcius coram Deo. Ipsum reverendum patrem exorans humiliter et devote quatenus ipsorum compaciens indigencie contentis in dicta supplicacione graciose annuere dignaretur. Super qua quidem supplicacione et contentis in eadem idem

Notes in margin :

[1] Secunda causa que eciam est falsa notorie. Non dicit majori parte.

[2] Tercia causa que est omnino falsa et eciam si esset vera non esset sufficiens. De hoc nichil dat clare que fuit illa hospitalitas.

[3] Ista causa est eciam falsa et eciam si esset vera non sufficeret quia aliunde satis habundabant. Forte ita sed tempore unionis satis erant bene edificata et reparata.

[4] At non dicis verum. Non declaras que fuerunt tunc facultates monasterii et quanti valoris nec quales et quot expensas reparaciones requirebant.

venerabilis pater habita prius super hiis deliberacione pleniori [1] inquirendum fore decrevit ac per commissarios suos infrascriptos inquiri mandavit in forma que sequitur :

37. Willelmus permissione divina Ebor. archiepiscopus [2] Anglie primas dilectis filiis officiali curie nostre Eboracensis et ejus commissario generali ac magistro Ade de Twyseltona curie nostre advocate salutem graciam et benediccionem. Sua nobis religiosi viri abbas et conventus monasterii de Cokersand ordinis Premonstratensis nostre diocesis peticione monstrarunt nobis humiliter supplicantes, quod cum tot oneribus importabilibus infortuniis et variis adversitatibus sint oppressi et domus eorum irreparabiliter ut creditur opprimatur,[3] quod absque (*f.* 57) subvencione competenti aliunde nullatenus poterunt respirare, per appropriacionem ecclesie de Mittona dicte nostre diocesis cujus ipsi religiosi ut asserunt veri sunt patroni, per nos eisdem canonice faciendam suis dictis necessitatibus prospicere dignaremur, cum id evidens validitas et vigens necessitas suadeant in hoc casu. Nos jura canonica in hac parte adeo cupientes observare, quod quantum cum Deo poterimus eorum tantam oppressionem favente altissimo saltem in aliquo relevemus, vobis mandamus firmiter injungentes quatenus de causis premissis et aliis si que ex parte dictorum religiosorum coram vobis legitime proponantur, apud Ebor. vel alibi prout vestra discrecio duxerit ordinandum die seu diebus quem vel quos ad hoc volueritis assignare, vocatis omnibus quorum interest et processu qui in hoc casu de jure requiritur observato, per testes fidedignos et alia probacionum genera inquiratis plenius per omnia veritatem ; et quicquid feceritis et inveneritis in hac parte expedito negocio nobis constare faciatis distincte et aperte per vestras litteras patentes harum seriem et totum

Notes in margin :

[1] Non dicit cum quibus nec dicit cum decano et capitulo.

[2] Commissio archiepiscopi ad inquirendum.

[3] At ad suggestionem in commissione.

processum in hac parte habendas, una cum attestacionibus testium coram vobis productorum clausis nemini prodicis seu ostensis debite continentes. Et ad informacionem vestram in premissis plenius obtinendam vobis mittimus quandam dictorum religiosorum peticionem presentibus interclusam ; ad que omnia et singula premissa expedienda vobis cum cohercionis canonice (*f.* 57*v*) potestate tenore presencium committimus vices nostras, quod si non omnes vos hiis exequendis interesse contigerit, duo vestrum qui presentes fuerint ea nichilominus exequantur. Valete. Datum apud Cawode ij kalendas Julii, anno Domini millesimo trecentesimo tricesimo octavo et pontificatus nostri vicesimo primo.

38. Qui quidem commissarii virtute commissionis dicti reverendi patris eis in hac parte facte decreverunt rectorem ecclesie de Mittona et omnes alios quorum interest in hac parte ad certos diem et locum infrascriptis fore citandos et eos citare fecerunt et mandaverunt, inquisicionem per testes et alia probacionum genera super causis premissis et aliis ex parte dictorum religiosorum legitime proponendis visuros facturos et ulterius recepturos quod justum fuerit, prout in litteris citatoriis dictorum commissariorum infrascriptorum decano de Craven factis plene continetur : Officialis curie Eboracensis et ejusdem commissarius generalis ac Adam de Twyseltona dicte curie advocatus venerabilis in Christo patris et domini Willelmi Dei gracia Eboracensis archiepiscopi Anglie primatis in infrascripto negocio commissarii specialiter deputati decano de Craven salutem. Commissionem dicti patris recepimus in hec verba : Willelmus *etc.*, *as in No. 37.*

f. 58*v*. Vobis igitur auctoritate dicti mandati committimus, injungimus firmiter et mandamus quatenus nominatim rectorem ecclesie de Mittona predicte et omnes alios et singulos quorum interest vel interesse poterit in hac parte in prefata ecclesia de Mittona et aliis locis publicis ubi expedire videritis in genere peremptorie citetis, quod compareant coram vobis

vel duobus vestrum in majori ecclesia Ebor. die Mercurii proxime post festum translacionis beate Thome martiris proxime futurum. Inquisicionem per testes et alia probacionum genera super causis premissis et aliis ex parte dictorum religiosorum legitime proponendis faciendam visuros facturos ulterius et recepturos quod justum fuerit et canonicis convenerit institutis. De die vero recepcionis presencium modo et forma execucionis earundum nobis vel duobus nostrum ad dictos diem et locum constare faciatis per vestras patentes litteras harum seriem continentes. Datum Ebor. kalendas Julii anno Domini millesimo trecentesimo tricesimo octavo.

39. Quoquidem die Mercurii proxime post festum translacionis sancti Thome martiris supradicto comparuit coram dictis commissariis prefatus Willelmus abbas et exhibuit certificatorium decani de (*f.* 59) Craven sigillo officii sui signatum per quod apparuit prefatum rectorem ecclesie de Mittona et alios quorum interest fuisse in forma dicti mandati peremptorie citatos prout in certificatorio ejusdem decani de Craven plenius continetur, cujus tenor sequitur in hunc modum :

40. Reverendis viris et discretis domino officiali curie Ebor. et ejus commissario generali ac magistro Ade de Twyseltona dicte curie advocato decanus de Craven reverenciam pariter et honorem. Mandatum vestrum reverendum nuper recipimus in hec verba : Officialis *etc., as in No. 38* (*f.* 60). Cujus igitur auctoritate mandati vestri reverendi ipsum [1] rectorem in ecclesia sua de Mittona personaliter inventum ac omnes alios et singulos quorum interest vel interesse poterit in prefata ecclesia et aliis locis publicis [2] ubi expedire viderimus peremptorie citavimus, quod compareant coram vobis vel duobus vestrum in majori ecclesia Eboraci [3] die Mercurii

Notes in margin :

[1] At non dicit quem. [2] Non dicit in quibus. [3] MS. : Eboracen'.

proxime post festum beati Thome martiris proxime futurum, (*f.* 60*v*) inquisicionem per testes et alia probacionum genera super causis premissis et aliis ex parte dictorum religiosorum legitime proponendis canonice faciendam visuros facturos ulterius et recepturos quod justum fuerit et canonicis convenit institutis. Et sic mandatum vestrum reverendum per omnia ut decuit sumus executi. Datum apud Skypton iij nonas Julii anno Domini millesimo trecentesimo tricesimo octavo.

41. Lecto ergo certificatorio predicto coram prefatis commissariis ac rectore [1] de Mitton et aliis ut premittitur citatis publice preconizatis, diucius expectatis et nullomodo comparentibus, idem abbas contumaciam dictorum citatorum non comparencium instancius accusavit, quos prefati commissarii pronunciaverunt contumaces et in penam contumacie eorundem articulos pro contentis in prefata supplicacione probandos per dictum abbatem propositos admiserunt, quorum tenores sequuntur in hunc modum.[2]

42. Articulos infrascriptos et contenta in eisdem intendunt probare conjunctim et divisim religiosi viri abbas et conventus monasterii de Cokersand in causa seu negocio appropriacionis ecclesie parrochialis de Mittona per venerabilem in Christo patrem dominum Willelmum archiepiscopum Eboracensem eisdem religiosis et monasterio suo faciende.

In primis probare intendunt religiosi viri antedicti quod monasterium eorum antedictum inter mare occidentale et loca palustria situatur, quodquidem mare super muros dicti monasterii impetuosis fluctibus bis in die et nocte inundat adeo quod nisi (*f.* 61) aliunde [3] succurratur, verisimiliter ad ruinam

Notes in margin:

[1] Non habet nomen.

[2] Articuli dati pro parte religiosorum ad probanda suggesta.

[3] Ita per processum temporis faceret palam post sed non dicit quod facultates monasterii non sufficiebant ad illa et multo majora prout sufficiebant et sufficiunt.

deducetur monasterium prelibatum. Item probare intendunt quod fere omnes terre pasture grangie et maneria ipsorum religiosorum super litus ejusdem maris consistunt, que pro magna parte ipsarum terrarum pasturarum et maneriorum inundacionibus maritimis destruuntur et steriles et vasta derelicta sunt, quodque omnino destruentur [1] et consumerentur [2] verisimiliter est timendum. Item probare intendunt quod dictum monasterium per quatuor leucas ad minus a terris suis arabilibus, pratis et aliis commoditatibus sibi appendentibus distare dinoscuntur inter mare et loca palustria supradicta, quodque in illis partibus transeuntes et accedentes[3] et ibidem alibi quod in dicto monasterio recipi et hospitari non valeant quovismodo, tantaque est confluencia hospitum ibidem veniencium quod hospitalitas quam secundum Deum et ordinem suum sustentare debent religiosi predicti prout decet sustineri non potest quovismodo.[4] Item intendunt probare quod ob confluenciam hospitum subito et insperate ibidem sepius veniencium religiosi predicti cibaria per abbatem et conventum sua parata hora prandii ipsis hospitibus distribuere et dimittere compelluntur.[5] Item probare intendunt quod grangee ipsorum, videlicet Colperthwaite, Hildersona, Kellet, Aschetona et Ellale ac villa eorum de Gairstang, necnon edificia eorum per diversa loca per invasiones Scotorum combusta sunt,[6] ad quorum reparacionem et alia onera necessario [7] supportanda predicti monasterii facultates nullatenus sufficiunt. Item probare (*f.* 61*v*) intendunt quod dicta ecclesia parrochialis de Mittona est de patronatu eorundem religiosorum et sic fuit

Notes in margin:

[1] Non dicit quod omnino destructa erant.

[2] At verbum de futuro et ita destruetur palam post verisimiliter.

[3] Non dicis quod aliqui. [4] Hoc falsum.

[5] Hoc eciam sepius contingit regibus magnatibusque de illis que ordinantur quod eas eciam aliis ministrantur et ipsi eciam cum hoc satis habent.

[6] Sed non dicis quod sunt combusta quia tempore unionis melius reparata erant quam ante.

[7] Non dicis verum quia absque illis satis bene stetisset monasterium.

aliquamdiu, quodque dicti religiosi ad ipsam ecclesiam de Mittona cum vacavit successivis temporibus presentaverunt et in possessione presentandi ad eandem fuerunt temporibus memoratis. Item probare intendunt quod premissa omnia et singula sunt publica notoria et manifesta in partibus Lancastrie et partibus vicinis et quod super omnibus et singulis de quibus fit mencio laboravit et adhuc laborat publica vox et fama ibidem et partibus aliis superius expressis.[1]

43. Quibus quidem articulis dictis commissariis traditis et propositis idem abbas eodem die incontinenter super articulis sic admissis produxit decem testes,[2] videlicet dominum Willelmum de Schareshull militem justiciarium domini regis, dominum Thomam de Kendale rectorem ecclesie de Kelme, Johannem de Horneby, Thomam Surreys, dominum Robertum de Plesyngtona, Rogerum de Faryngtona, Thomam de Gosenargh, Thomam de Singeltona, Robertum de Singeltona, Johannem de Skertona,[3] quos omnes dicti commissarii admiserunt et coram se jurare fecerunt super dictis articulis et contentis in eisdem dicere veritatem, ipsosque sic juratos examinaverunt secreto et singillatim, quorum dicta et deposiciones sequuntur in hec verba[4]: [*Not given*]

44. (*f.* 62) Examinatis itaque testibus supradictis die Mercurii proxime post festum translacionis beati Thome martiris predicto et die Jovis immediate extunc sequenti per commissarios predictos, iidem commissarii eorum dicta et deposiciones in scriptis ut premittitur fideliter redactis et sub sigillis suis clausis prefato reverendo patri transmiserunt, qui

Notes in margin:

[1] Domine videtur quod istis omnibus probatis non probatur urgens necessitas et dato quod probaretur urgens necessitas evidens utilitas non esset probata.

[2] Ubi erant isti testes citati ad deponendum? Videtur quod ingesserunt operas suas.

[3] Non dicit qualiter narrant nec super quos. [4] Sequuntur testes.

quidem venerabilis pater receptis dictis et deposicionibus testium hujusmodi et per eum diligenter inspectis, ea [1] capitulo suo Ebor. inspicienda transmisit una cum litteris suis, quarum tenor sequitur in hunc modum : [2]

45. Willelmus permissione divina Eboracensis episcopus Anglie primas dilectis filiis decano et capitulo ecclesie nostre beati Petri Ebor. salutem graciam et benediccionem. Mittimus vobis processum negocii inquisicionis super causis pro appropriacione ecclesie parrochialis de Mittona nostre diocesis abbati et conventui monasterii de Cokersand facienda pretensis de mandato nostro capte, quem velitis diligencius intueri et deliberare plenius super eo et subsequenter nobis rescribatis id quod vobis videtur de dicto processu, ut aliquo certo die ad vos accedere personaliter valeamus vel aliquos clericos ex nostris transmittere si fuerimus propediti, solemnem tractatum et diligentem super hiis juxta juris exigenciam habituram. Valete. Datum apud Cawode sexto idus Julii anno Domini millesimo trecentesimo tricesimo octavo et pontificatus nostri anno xx^{o}. primo.

46. (*f.* 62*v*) Quibus quidem attestacionibus per decanum et capitulum supradictos acceptis et cum deliberacione sufficienter inspectis,[3] eadem dicta et deposiciones sub sigillo suo clausas eidem reverendo patri remiserunt [4] et tunc idem venerabilis pater de consensu [5] predictorum decani et capituli certum diem competentem, videlicet xij kalendas Augusti proxime extunc

Notes in margin :

[1] Qualiter constat hoc cum nullus notarius hoc asserat ?

[2] De istis litteris non constat in registris capituli, quia tunc de ipsis certificasset sicut de aliis faciunt si tales fuissent.

[3] Domine notorie qualiter hoc constat tibi cum non dicis te fuisse presentem nec dicis quod decanus et canonici erant capitulariter congregati pro hujusmodi deliberacione facienda nec capitulum hoc testificatur nec dicis te fuisse presentem in actis istius diei nec alicujus alterius nisi dumtaxat in actis ij kalendas Novembris ?

[4] De ista remissione non constat in registris capituli nec ipsi hoc testificantur.

[5] At ubi.

sequentem pro tractatu solemni habendo super appropriacione memorata statuit et eciam assignavit. Quo die convenienter prefato venerabili patre ac decano [1] et capitulo predictis in domo capitulari [2] Ebor. ac toto processu in dicto negocio habito ibidem viso et perlecto, habitoque inter eosdem diligenti [3] et solemni tractatu, allegatisque nonnullis racionibus et motivis hinc et inde, demum post altercacionem diutinam et tractatum diligentem et solemnem inde habitam, quia videbatur [4] dictis reverendo patri ac decano et capitulo predictis ut dicebant quod cause per dictum abbatem exposite et allegate vere exstant ac sufficienter et legitime probate, ac eciam quod evidens utilitas ecclesie predicte et vigens necessitas monasterii predicti id exposcebant, tam dictus reverendus pater quam decanus et capitulum predicti in relevacionem notorie paupertatis dictorum religiosorum ut dicebant appropriacionem dicte ecclesie eisdem religiosis faciendam unanimiter consenserunt et subsequenter (*f.* 63) idem reverendus pater ad inquirendum [5] de vero valore ecclesie de Mittona predicte certis commissariis suis infrascriptis commisit et mandavit per litteras suas formam que sequitur continentes :

47. Willelmus permissione divina Ebor. archiepiscopus Anglie primas dilectis filiis decano nostro de Craven ac perpetuo vicario ecclesie de Gairgrave nostre diocesis salutem graciam et benediccionem. Vobis tenore presencium committimus et mandamus quatenus de vero valore ecclesie de Mittona nostre diocesis, videlicet quantum valent per annum fructus majores et quantum minores per annum, quantum oblaciones, decime minute terre et redditus eidem ecclesie

Notes in margin :

[1] Non dicis quis erat decanus nec qui canonici tunc faciebant capitulum.

[2] Hoc non testificatur.

[3] Per quid hoc scio ?

[4] Hoc non testificatur.

[5] Hoc debuisset fecisse ante tractatum pretensum licet falso et de valore redituum monasterii et statu et condicione ecclesie et statu et condicione monasterii et populis eis subjectis de quibus nichil penitus fecit.

qualitercumque pertinentes, si sit pensionaria, cui et in quanto ac de omnibus et singulis pertinentibus ad eandem que nos ad ordinacionem vicarie perpetue in eadem valeant plenius informare, necnon quid decime ejusdem ecclesie tam reales quam personales valeant annuatim, per viros fidedignos parrochie ecclesie predicte et locorum vicinorum, habentes hujus rei noticiam pleniorem in hac parte juratos et diligenter examinatos diligenter inquiratis et nos de omni eo quod feceritis et inveneritis in premissis et circa ea expedito negocio distincte particulariter et aperte certificetis per litteras vestras patentes hanc seriem continentes. Valete. Datum apud Cawode x. kalendas Augusti anno Domini millesimo trecentesimo tricesimo octavo et pontificatus nostri vicesimo primo.

48. (*f.* 63*v*) Facta itaque inquisicione [1] de vero valore ecclesie de Mittona predicte per commissarios antedictos idem dominus Willelmus abbas tercio idus Augusti proxime extunc sequenti comparuit coram prefato reverendo patre apud Cawode et exhibuit eodem reverendo patri litteras certificatorias dictorum commissariorum, inquisicionem per eos factam sub forma verborum que sequitur continentes :

49. Venerabili in Christo patri ac domino suo reverendo domino Willelmo Dei gracia archiepiscopo Ebor. Anglie primati, sui si placet humiles et devoti decanus de Craven ac perpetuus vicarius ecclesie de Gairgrave omnimodam obedienciam, reverenciam et honorem debitam tanto patri. Mandutum vestrum reverendum recepimus in hec verba : Willelmus *etc., as in No. 47* (*f.* 64). Hujus igitur mandati vestri reverendi auctoritate, facta diligenti inquisicione super omnibus et singulis articulis in dicto mandato vestro reverendo contentis superius, per viros fidedignos [2] vestra reverenda auctoritate facta diligenti inquisicione dicte parrochie et locorum vicinorum

Notes in margin :

[1] Non dicit qua die.

[2] Qui erant isti ut videamus ?

et juratos per nos diligenter examinatos hujus rei noticiam habentes pleniorem inquisivimus, qui [1] dicunt quod decima garbarum tocius parrochie valet per annum quinquaginta duas libras, decima feni triginta solidos, decima molendinorum quinque solidos, decima agnorum tocius parochie tres solidos et sex denarios, decima lane octo solidos. Item dicunt dicti jurati quod decima albi valet annuatim triginta solidos, decima vitulorum decem solidos ac decima aucarum porcellorum edorum anatum gallinarum et ovorum decem solidos ac decima lini et canapis duodecim solidos. Dicunt insuper sepedicti jurati [2] quod tres oblaciones (*f.* 64*v*) principales valent per annum quatuor marcas et pecunia oblata cum pane benedicto sex solidos et sex denarios, quodque mortuaria tam viva quam mortua cum exequiis et purificacionibus mulierum et aliis minutis oblacionibus valent communibus annis ut credunt quatuor marcas, decime quadragesimales viginti sex solidos et octo denarios et cera oblata die purificacionis beate Marie virginis quatuor solidos, denarii carucarum quinque solidos. Item dicunt quod manerium rectorie cum uno mesuagio et quatuor bovatis terre cum pertinenciis in villa de Mittona dicte ecclesie de Mittona pertinentibus valent per annum viginti solidos. Dicunt eciam quod unum mesuagium cum quatuor bovatis terre predicte ecclesie pertinentibus in villa de Wadingtona valet annuatim tresdecim solidos et quatuor denarios et est pensionaria predicta ecclesia de Mittona, reddens annuatim capitulo Eboracensi tresdecim solidos et quatuor denarios et cuidam capellano in capella de Wadingtona celebranti tantum, quia sic mandatum vestrum reverendum cum omni diligencia qua potuimus in omnibus humiliter sumus executi. Valeat vestra paternitas reverenda in Christo Ihesu per tempora longiora. Datum apud Skipton vj idus Augusti anno Domini millesimo ccc^mo^ tricesimo octavo.

Notes in margin :

[1] Qui sunt isti qui ?

[2] Qui fuerunt illi ut videamus ?

50. Quo quidem certificatorio sic exhibito et per dictum reverendum patrem recepto, idem abbas humiliter (*f.* 65) supplicavit eidem reverendo patri et devote ut ad expedicionem dicte appropriacionis graciose procedere dignaretur, et tunc idem reverendus pater prefixit et assignavit eidem religiosis diem, videlicet ij kalendas Novembris proxime subsequentem apud Thorp prope Eboracum [1] ad audiendum decretum seu pronunciacionem suam in hac parte. Quibus die et loco comparuit coram prefato reverendo patre frater Willelmus abbas supradictus et quandam submissionem de patronatu ejusdem ecclesie de Mittona suo et conventus sui nomine factam ac sigillo eorum communi sigillatam prefato reverendo patri exhibuit tradidit et liberavit, cujus tenor talis est.[2]

51. Pateat universis quod nos abbas et conventus monasterii de Cokersand ordinis Premonstratensis Eboracensis diocesis, veri patroni ecclesie de Mittona dicte diocesis et in possessione presentandi ad eandem pacifice existentes, jus patronatus ejusdem ecclesie de Mittona et ipsam ecclesiam cum suis juribus et pertinenciis universis quatenus ad nos attinet et nos in hac parte pure sponte et absolute, alte et basse ordinacioni dicto arbitrio laudo decreto pronunciacioni et diffinicioni venerabilis patris domini Willelmi Dei gracia Eboracensis archiepiscopi Anglie primatis ejusdemque jurisdiccioni et cohercioni submittimus per presentes, ratum gratum et firmum habentes pro nobis et successoribus nostris et perpetuis futuris temporibus habituri totum et quicquid idem pater Eboracensis archiepiscopus super premissis et ea contingentibus ordinaverit, dixerit de(*f.* 65*v*)creverit pronunciaverit seu alias duxerit faciendum. Renunciamus insuper sponte simpliciter et scienter omnibus accionibus peticionibus prohibicionibus regiis querelis et impetracionibus in quacumque curia tam ecclesiastica quam seculari, et nominatim impetracioni litterarum apostolicarum que vocantur ea que de bonis tam in majori

[1] MS.: Eboracen'.

[2] *Margin:* Tenor submissionis.

quam in minori forma ipsarum, necnon et excepcionibus defensionibus et omnibus aliis et singulis juris et facti remediis per quas et que effectus premissorum aut eorum aliquod que et quod eundem patrem super premissis et ea qualitercumque contingentibus et quandocumque contingere valentibus ordinare dicere decernere seu diffinire contigerit, aut aliqua de eisdem impediri impugnari seu onerari poterint quomodolibet seu differri. In cujus rei testimonium sigillum nostrum commune presentibus est appensum. Datum in capitulo nostro de Cokersand die Martis proxime ante festum apostolorum Symonis et Jude anno Domini millesimo trecentesimo tricesimo octavo.

52. Quaquidem submissione [1] per ipsum venerabilem patrem recepta habita et inspecta, idem reverendus pater de consensu [2] et voluntate decani et capituli predictorum juxta submissionem ipsorum religiosorum sibi factam, invocata Spiritus Sancti gracia, prefatam ecclesiam de Mittona eis et eorum monasterio perpetuo possidendam appropriavit annexit et univit per decretum prout in litteris ipsius reverendi patris plenius continetur, quarum tenor de verbo ad verbum sequitur in hunc modum : [3]

Willelmus permissione divina Eboracensis [archiepiscopus] Anglie primas religiosis viris abbati et conventui (*f.* 66) monasterii de Cokersand ordinis Premonstratensis nostre diocesis salutem graciam et benediccionem. Ut Christi pauperum inopie et precipue divino cultui jugiter insistencium beneficio subsidii consulatur, ut eo melius et liberius conditori omnium valeant famulari, cujus obsequiis sunt ascripti, devocioque fidelium excitetur ac illi amplioris gracia favoris merito attollantur, in quibus uberioris devocionis studia contempla-

Notes in margin :

[1] Cujus sunt ista verba ? Nullus notarius illa testificatur.

[2] At ubi multa dicis sed de paucis constat.

[3] Pro certo quamvis multa recitantur nulla fuerunt actus in hac materia nisi que fuerunt actus ij kalendas Novembris que est data littere sequentis.

mus, curam et sollicitudinem nos adhibere divina pietas admovet et inducit. Sane vestra nuper nobis exhibita peticio continebat quod muri monasterii vestri inter mare occidentale et loca palustria notorie situati bis in die et nocte adeo undis et impetuosis fluctibus dicti maris venti turbine [1] agitati concutiuntur et quassantur, quod propriis facultatibus que valde tenues et exiles existunt [2] ad ipsorum murorum defensionem et reparacionem non suppetentibus,[3] monasterium ipsum in brevi nisi aliunde succurratur ad miserabilem ruinam inevitabiliter deducetur ; quodque omnes fere terre pasture grangee et maneria in quibus dotatur dictum monasterium, que eciam super litus dicti maris consistunt, pro magna parte [4] valoris ipsarum terrarum pasturarum et maneriorum excrescentibus inundacionibus maritimis destruuntur, steriles redduntur et in tantum deveniunt [5] loca vasta quod omnino destruentur et consumentur veresimiliter est timendum ; ac quod ad dictum monasterium vestrum distans per (*f.* 66*v*) tres leucas et amplius a terris suis arabilibus pratis et aliis commoditatibus suis, situm [6] inter mare et loca palustria supradicta, tanta est confluencia hospitum et extraneorum ac vicinorum,[7] divitum [8] et pauperum concursus et inopinatus [9] accessus, quum(?) per partes illas transeuntes et illuc accedentes [10] alibi quam in dicto monasterio in esculentis et poculentis comode

Notes in margin :

[1] At quia ex forma istius littere notorie apparet quod totus processus prescriptus est fabricatus quia ista verba nec sunt in peticione nec in articulis.

[2] Ista clausa est intelligibilis (*sic*) et inperfecta et incongrua.

[3] Hoc non dicunt articuli nec peticio.

[4] Non dicit pro majori parte nec pro maxima parte.

[5] At ad verbum futuri temporis et quis dubitat quin post diem judicii erunt loca vasta.

[6] " i.e. situacio " written above " situm."

[7] Nullos habet.

[8] Hoc est notorie falsum quia monasterium situm est in quadam solitudine et longe ab omnibus hominibus et a quacumque via publica.

[9] Pro certo verum dicis si aliquis est ibi accessus est valde inopinatus quia verisimiliter nuncquam aliqui ibi veniunt nisi in ..ole dicti monasterii.

[10] At ad causam hic positum quod apparet quod stat in solitudine.

procurari et capi seu hospitari non valeant, quod cibaria que pro cotidiano victu vestro parata existunt oportet [1] hospitibus hujusmodi communiter ministrari; cujus hospitalitatis que est ultra vires possessionum vestrarum pretextu, hospitalitatem consuetam ad quam secundum Deum et ordinem vestrum et ipsius monasterii fundacionem tenemini non potestis ut deceret sustentare imposterum quoquomodo [2]; necnon quod grangee vestre et ipsius monasterii, videlicet Colperthuait Hilderstona Kellet Aschetona et Ellale ac villa vestra de Gairstang, necnon possessiones et edificia alia varia dicti monasterii in diversis locis consistencia per invasiones et hostiles Scotorum incursus fuerunt et sunt [3] combusta et vastata, ad quorum reparacionem et reformacionem et alia incumbencia necessaria onera supportanda dicti vestri monasterii nullatenus sufficiunt facultates; quinymo solitus [4] canonicorum numerus [5] pietatis et hospitalitatis opera ibidem fieri consueta [6] quod dolendum foret non poterunt exerceri, cum regio anglicana novis cotidie tribulacionibus emergentibus [7] et novis exaccionibus plus solito atteratur, nisi eidem monasterio super hiis oportuno (*f.* 67) succurratur remedio et munere speciali. Quapropter nobis humiliter supplicastis ut pro hujusmodi vestris et dicti monasterii de Cokersand necessitatibus relevandis parrochialem ecclesiam de Mittona dicte nostre diocesis, que de vestro patronatu existit, assensu regio [8] et aliis que requiruntur in hac parte obtentis, cum aliunde

Notes in margin:

[1] Forte de honestate ut domini faciunt et non de necessitate.

[2] De hoc nihil est deductum in articulis nec in peticione et est notorie falsum.

[3] Hoc non dicunt articuli.

[4] Hoc non dicunt articuli.

[5] Ymmo plures tunc fuerunt ibi canonici quam uncquam post illud tempus vel ante.

[6] Qualiter hoc constabat cum non sit deductum in articulis quantum hujusmodi reparacio constare deberet nec quantum tunc valuerunt redditus monasterii et vere licet archiepiscopus hoc recitaverit hoc est notorie falsum ?

[7] De istis nichil est fabricatum in articulis quia notorie est falsum.

[8] De hoc nichil das in articulis.

subsidium querendi nulla opes se vobis offerat in presenti nec adesse creditur verisimiliter infuturum, vobis et monasterio vestro predicto appropriare paterne compassionis spiritu curaremus. Nos demum vestra cotidiana devota instancia divine pietati gratum et acceptum fore provisione nostra vestris necessitatibus succurrere attendentes,[1] super causis pro appropriacione hujusmodi facienda pretensis et veritate earundem licet note et manifeste extiterant, testes ex parte vestra productos, vocatis in hac parte vocandis, videlicet omnibus quorūm interest ad certos diem et locum quod recepcioni testium hujusmodi et aliarum probacionum interessent, in forma juris recipi fecimus et admitti, quibus juratis et diligenter examinatis et eorum dictis seu attestacionibus in scriptis redactis et eciam publicatis, decreto [2] insuper interposito et aliis solemniis subsequentibus que in concessionibus rerum ecclesiasticarum et alienacionibus et in hoc casu juxta juris exigenciam et qualitatem negocii exiguntur, jurisque ordine in omnibus observato, quia invenimus contenta in dicta suggestione seu peticione vestra vera esse (*f.* 67*v*) et sufficienter probata, de consensu dilectorum filiorum decani et capituli ecclesie nostre cathedralis Eboracensis unanimi et expresso cum quibus super diligentem tractatum habuimus et solemnem, ecclesiam de Mittona predictam cum suis juribus et pertinenciis universis vobis et monasterio vestro de Cokersand in supportacionem onerum predictorum et infrascriptorum divini cultus augmentum,[3] salvis porcionibus pro sustentacione vicarii instituendi in eadem et pro indempnitate ecclesie nostre Eboracensis congruis per nos inferius assignandis juxta naturam negocii et

Notes in margin :

[1] Ita quia habuistis ut dicitur pro ista unione ab ipsis monachis mille libras sterlingorum.

[2] At ubi ?

[3] Ymo notorie destruccionem quia semper ante unionem pretensam solebant esse unus rector presbyter et quatuor alii presbyteri multi alii clerici et servientes et ministri ecclesie et jam non est ibi nisi unus vicarius dumtaxat et unus clericus et numerus canonicorum in dicto monasterio est minor quam tunc erat.

submissionem vestram ordinacioni nostre factam, cujus tenor infrascribitur ; invocata ad hoc Spiritus Sancti gracia auctoritate pontificali concedimus annexímus et unimus in usus vestros proprios perpetuo possidendam,[1] ita quod cedente vel decedente rectore Willelmo de Tatham [2] nunc rectore ecclesie de Mittona predicte, possessionem ejusdem ecclesie jurium et pertinenciarum ejusdem, irrequisito ulteriori consensu nostro vel successorum nostrorum nec licencia ulteriori petita seu obtenta, auctoritate propria libere apprehendere valeatis et licite retinere ; porcionem vero congruam pro vicario perpetuo de ipsius ecclesie fructibus et proventibus per nos ut premittitur reservatam, qui in eadem personaliter resideat, parrochianorum ejusdem curam habeat et exerceat animarum, et ipsi ecclesie laudabiliter deserviat in divinis, qui eciam nobis et futuris archiepiscopis successoribus nostris sede archiepiscopali plena et ea vacante decano et capitulo ecclesie nostre predicte (*f.* 68) ut custodibus jurisdiccionibus dicte sedis, per vos abbatem et conventum singulis ipsius vicarie vacacionum temporibus presentetur et ad presentacionem vestram per nos et futuros archiepiscopos successores nostros, sede ut premittitur plena et ea vacante per decanum et capitulum, ad dictam vicariam admittatur et instituatur canonice in eadem, volumus ordinamus et decernimus consistere in fructibus et porcionibus infrascriptis, videlicet in area seu gardino dicte ecclesie quod vocatur fermerygarth, se a pistrino rectorie ecclesie de Mittona usque ad eandem ecclesiam extendente, in qua vos abbas et conventus predicti aulam, cameram, coqu[in]am, pistrinum, braciarium, stabulum, granarium, unam grangeam et alios domos competentes ad usum dicti vicarii et successorum suorum ex hac nostra ordinacione vestris sumptibus edificare et construere teneamini, quam citius id commode fieri poterit a tempore quo ipsius ecclesie de Mittona fueritis possessionem corporalem adepti, et

Notes in margin :

[1] Ista sentencia non fuit lecta in scriptis.

[2] At quod istum fatentur rectorem tempore unionis.

extunc ad ipsarum domorum et cujuslibet earundem refeccionem sustentacionem et reparacionem idem vicarius imposterum quociens et quando opus fuerit teneatur, et interim donec dictum gardinum seu area competenter fuerit de domibus de quibus premittitur edificatis, ita quod idem vicarius decenter morari poterit in domibus mansi dicte rectorie, ne pro defectu hospicii jacturam incurrat seu paciatur vericundiam, hospitetur et utilitatem capiat de eisdem ; et in quatuor bovatis (*f.* 68*v*) terre [1] arabilis in villa et territorio de Mittona ad ecclesiam de Mittona spectantibus, cum pratis, pasturis, pascuis et aliis commoditatibus ac oneribus et pertinenciis suis quibuscumque de quibus quatuor bovatis terre et prato dum idem vicarius ea in manibus suis tenuerit et terram ipsam propriis sumptibus excoluerit, aut de lana bidentum suorum vel de nutrimentis animalium suorum ubilibet infra dictam parrochiam depascencium, seu de aliis rebus suis ad vicariam suam predictam spectantibus vobis abbati et conventui decimas solvere minime teneatur, quoniam ipsum vicarium volumus et decernimus in hiis esse a prestacione decimarum omnino immunem ; et in tota decima feni ville de Mittona ac in mortuariis tam vivis quam aliis et in decimis lane agnorum edorum vaccarum vitulorum albi apium mellis porcellorum pullanorum aucarum gallinarum molendinorum lini canapis ac decima curtilagiorum tocius parrochie et in omnibus oblacionibus et decimis quadragesimalibus et aliis minutis decimis ac redditibus et obvencionibus ad altaragium ecclesie de Mittona qualitercumque provenientibus seu spectantibus et in altaragio ipso toto ; et ultra hec in decem marcis sterlingorum de fructibus redditibus et proventibus dicte ecclesie eidem vicario qui fuerit pro tempore per vos abbatem et conventum ad duos anni terminos, videlicet ad festa Pasche et sancti Michaelis per equales porciones fideliter annis singulis persolvendis, prima solucione (*f.* 69) porcionis hujusmodi incipiente tempore cujuslibet vicarii qui pro tempore fuerit in illo festo dictorum terminorum quod

[1] MS. : terris.

post institucionem suam in dicta vicaria primo evenire contingat ; et si in solucione alicujus porcionis de predictis vel partis earundem per quindecim dies vos abbas et conventus quod absit defeceritis, decernimus quod propter culpam et moram vestram hujusmodi fructus et redditus ecclesie de Mittona ad vos pertinentes eo ipso sint et remaneant sequestrati, quod sequestrum nullatenus relaxetur quousque eidem vicario de porcione pecunie que a retro fuerit et de dampnis et expensis que et quas ea accione incurrerit et fecerit fuerit plenarie satisfactum. Volumus eciam et ordinamus quod vos abbas et conventus predicti omnia onera ordinaria ecclesie de Mittona quomodolibet et quandocumque incumbencia seu imposita et consueta ab antiquo, ut pensionem annuam tresdecim solidorum quatuor denariorum debitam capitulo ecclesie nostre Eboracensis, ac prestacionem tresdecim solidorum et quatuor denariorum solvendorum annuatim capellano in capella de Wadyngtona celebraturo, supportetis solvatis subeatis et integre agnoscatis, ita quod vicarius ad nullum onus nec solucionem penitus teneatur nisi quod ipsi ecclesie de Mittona per se vel substitutum ydoneum deserviat, panem et vinum pro confeccione corporis Christi et communione parrochianorum ecclesie ac luminare competens in choro ejusdem inveniat (*f.* 69*v*) et sustentet vestimentaque lavari et libros ligari et refici faciat quociens fuerit opportunum. Onera vero extraordinaria ad vos abbatem et conventum pro tribus partibus taxacionis ecclesie et ad vicarium pro quarta parte decernimus pertinere. In recompensacione vero lesionis ecclesie nostre cathedralis Eboracensis et propter indempnitatem ejusdem que ex consuetudine laudabili hactenus pacifice observata fructus beneficiorum vacancium et proventus percipere consuevit et percipit in presenti, ac in signum subjeccionis ecclesie de Mittona annuum censum seu pensionem sexaginta solidorum sterlingorum de fructibus et proventibus dicte ecclesie que amplius non vacabit, quorum quadraginta solidi nobis et successoribus nostris archiepiscopis Eboracensibus qui

fuerint pro tempore sede plena, et ea vacante decano et capitulo predictis ut custodibus dicte sedis futuro archiepiscopo liberandi, et viginti solidi diaconis chori ecclesie nostre Eboracensis predicte per vos abbatem et conventum ad terminos supradictos per equales porciones perpetuo solvantur expresse et specialiter reservamus ; quem censum seu pensionem annuam ecclesie de Mittona postquam ipsius possessionem habueritis et fructus libere et pacifice perceperitis de eadem indicimus et imponimus ac decernimus futuris temporibus per vos in forma premissa prestandum fideliter et solvendum, jure dignitate libertate honore officio (*f.* 70) et jurisdiccione nostris et ecclesie nostre Eboracensis et cujuslibet alterius ac potestate augmentandi porciones pro vicaria predicta et vicarii ejusdem sustentacione per nos superius assignatas, ac interpretandi et declarandi eadem si futuris temporibus evidenter reperte fuerint minus tenues et exiles, nobis et successoribus nostris ac ecclesia Eboracensi in omnibus semper salvis. Tenor vero submissionis de qua superius fit mencio talis est [1] : Universis *etc., as in No. 51* (*f.* 70*v*). In quorum omnium testimonium atque fidem nos Willelmus Eboracensis archiepiscopus presentes per magistrum Johannem de Barneby super Done notarium publicum et scribam nostrum scribi et signo ejus consueto signari mandavimus et sigilli nostri appensione muniri. Acta et data sunt hec apud Thorp prope Eboracum pridie kalendas Novembris anno Domini millesimo trecentesimo tricesimo octavo et pontificatus nostri vicesimo secundo, presentibus domino Willelmo de Scareshull milite justiciario domini regis Anglie, magistro Thoma de Nevill juris civilis professore, Adam de Hiselbeche canonico ecclesie Houden et dominis Willelmo de Popiltona (*f.* 71) rectore ecclesie de Harewode, Johanne de Castelford rectore medietatis ecclesie de Hoton-

Note in margin :

[1] Tenor submissionis. At ad istam submissionem religiosorum insertam in littera unionis pretense de qua et archiepiscopus et notarius testificantur, que omnino est altera a submissione que supra in pretenso processu inseritur et sic clare patere potest de fabricacione processus.

bussel Eboracensis diocesis et fratre Willelmo de Catona canonico monasterii de Cokersand predicti, testibus ad premissa vocatis specialiter et rogatis; et ego Johannes Thome de Barneby super Done clericus Eboracensis diocesis, auctoritate apostolica et imperiali notarius publicus et dicti domini archiepiscopi Eboracensis scriba omnibus et singulis premissis coram dicto domino archiepiscopo et per ipsum prout supra scribuntur factis, habitis atque gestis apud Thorp [1] prope Ebor. pridie kalendas Novembris, videlicet ultimo die mensis Octobris anno Domini millesimo trecentesimo tricesimo octavo, indiccione septima et pontificatus sanctissimi in Christo patris domini Benedicti divina providencia pape duodecimi anno quarto, una cum dictis testibus presens interfui eaque sic fieri vidi et audivi, scripsi et in hanc publicam formam redegi, meoque signo et nomine consueto de mandato ejusdem domini archiepiscopi signavi, rogatus in testimonium premissorum.

53. Item undecima die dicti mensis Septembris ad domum capitularem ecclesie Ebor. coram notario et testibus infrascriptis personaliter accessi ac venerabilem virum magistrum Johannem de Branketre thesaurarium et canonicum ejusdem ecclesie Ebor. in dicta domo capitulari personaliter constitutum et capitulum ipsius ecclesie Ebor. tunc facientem,[2] auctoritate dictarum litterarum vestrarum (*f.* 71*v*) requisivi et monui, quatenus litteras scripturas et processus instrumenta acta et munimenta predictas unionem annexionem et causam continencia, in ipsius capituli registris et archivis remanencia et contenta michi infra terminum predictum in vestris litteris predictis limitatum exhiberet et ostenderet et modo consimili de eisdem liberari faceret cum effectu. Quiquidem magister Johannes thesaurarius et canonicus antedictus capitulum ecclesie Ebor.

Notes in margin:

[1] Ecce quod notarius non perhibet testimonium de aliquibus actis supradictis, nisi de illis que acta erant apud Thorp ij kalendas Novembris.

[2] At si esset possibile quod dictus canonicus faceret capitulum ubi plures essent de facto residentes et in civitate presentes.

tunc faciens, mandatis vestris humiliter obedire volens ut dicebat, registrum ipsius capituli coram me et notariis infrascriptis ibidem ostendi fecit et exhiberi, in quo quasdam scripturas sive litteras predictas unionem annexionem et causam hujusmodi continencia scriptas et registratas invenit, easque per eundem notarium de eisdem registris fideliter transumi transcribi extrahi et in hanc formam publicam redigi mandavit et fecit, quarum tenores per omnia tales sunt.

54. Noverint universi quod nos decanus et capitulum ecclesie beati Petri Ebor. vidimus et inspeximus [1] litteras venerabilis in Christo patris domini Willelmi Dei gracia Ebor. archiepiscopus Anglie primatis, tenorem [2] qui sequitur de verbo ad verbum per omnia continentes : Willelmus *etc., as in No. 52.* Nos itaque decanus et capitulum (*f.* 77*v*) ordinacioni statutum decretum dictum laudum pronunciacionem diffinicionem et imposicionem predicti venerabilis patris et cetera omnia et singula in dictis litteris contenta, habito super hiis [3] in plena convocacione nostra [4] tractatu diligenti, ea omnia et singula approbamus ratificamus et quantum ad nos attinet tenore presencium confirmamus. In quorum omnium testimonium sigillum nostrum commune presentibus est appensum. Datum in capitulo nostro Ebor. secundo [5] die mensis Novembris anno Domini millesimo trecentesimo tricesimo octavo.

55. Que omnia et singula suprascripta ego Willelmus de

Notes in margin :

[1] Perhibent testimonium quod viderunt litteras archiepiscopi tenoris infrascripti sed non perhibent testimonium quod contenta in eis sunt vera.

[2] Ecce capitulum non perhibet testimonium de aliis litteris aut processibus de quibus supra fit mencio.

[3] At ad istam relacionem quia ex hoc apparet quod omnia erant per archiepiscopum facta antequam super hiis habuerunt decanus et capitulum tractatum quia dicunt habito super hiis etc.

[4] Ecce decanus et capitulum non dicunt quod habuerunt tractatum cum archiepiscopo super hujusmodi unione.

[5] At ad datam littere episcopi quia ex istis apparet quod non erat mutuus tractatus nec consensus mutuus.

Stalmyn vicarius ecclesie de Gigleswyke antedictus vobis domino Hugoni auditori antedicto et cuicumque alteri auditori loco vestri in dicta causa subrogato seu subrogando ac omnibus aliis et singulis quorum interest vel interesse poterit in hoc casu hiis meis litteris patentibus innotesco, quas mandatis vestris volens humiliter obedire inde fieri ac prefato fratri Johanni de Sallay procuratori et nuncio supradicto tradi et assignari feci,[1] juxta effectum dictarum litterarum vestrarum compulsoriarum ad Romanam curiam deferendum. In quorum omnium et singulorum testimonium has litteras meas predictas per magistrum Richardum de Wysebech notarium publicum scribi ejusque ac magistrorum Johannis de Cardeburgh, Johannis de Stantona et Nicholai de Esyngwald publicorum auctoritate apostolica notariorum signis et subscripcionibus (*f.* 78) meique sigilli appensione feci communiri. Data et acta sunt hec sub anno Domini supradicto indiccione octavo pontificatus domini Urbani pape quinti anno octavo, mensis diebus et locis suprascriptis, presentibus in premissis factis gestis et habitis apud manerium de Thorp predictum venerabilibus et discretis viris magistro Johanne de Waltham officiali curie Ebor., Johanne de Thoresby canonico Ebor., Johanne de Scardeburgh, Nicholao Broun de Esyngwald et Adam Brokenheved notariis publicis ac in domo capitulari Ebor. predictis magistris Johanne de Horyz rectore ecclesie sancti Michaelis ad pontem de Use Ebor., Johanne de Nortona curie Ebor. advocato, Johanne de Stantona, Roberto de Granow et dicto Nicholao Broun de Esyngwolt notariis publicis subscriptis testibus ad premissa vocatis specialiter et rogatis.

Et ego Ricardus de Wysebech clericus Eliensis diocesis publicus apostolica et imperiali auctoritate notarius premissis requisicionibus monicionibus et dictorum registrorum exhibicionibus sigilli predicti domini Willelmi de Stalmyn vicarii de Gigleswyk compulsoris supradicti presentibus litteris appensioni ac omnibus aliis et singulis supradictis, dum sic ut premittitur

[1] *Margin:* Non habuisti ad hoc mandatum.

agerentur et fierent sub anno indiccione pontificatu mensibus diebus et locis predictis, una cum prenominatis testibus et notariis subscriptis modo quo superius recitatur, personaliter presens interfui eaque omnia et singula sic fieri vidi et audivi, ac de mandato (*f.* 78*v*) [et] auctoritate prefati domini archiepiscopi Ebor., magistri Johannis de Branketre thesaurarii et canonici ecclesie Ebor. capitulum ipsius ecclesie facientis, et domini Willelmi de Stalmyn executoris seu compulsoris predicti, predicta omnia et singula prout in dictis registris contineri vidi, fideliter hic transumpsi ipsaque registra ac litteras et acta vidi, palpavi et diligenter inspexi non abrasa, non abolita, non cancellata nec in aliqua sui parte suspecta sed omni vicio et suspicione sinistra carencia, ac facta collacione de presenti transumpto cum dictis registris originalibus, hujusmodi transumptum cum eisdem originalibus registris in omnibus concordare inveni. Ideo me hic subscripsi et in hanc publicam formam redegi meoque signo consueto, tam in juncturis hujus retuli simul conglutinatis quam in fine ejusdem signavi, rogatus in fidem et testimonium premissorum. Constat michi notario publico de interlineari verborum domini supradicto octava domini Urbani pape quinti anno octavo super quartam lineam ante subscripcionem presentem scriptorum, que quidem verba approbo ego notarius antedictus quia ea scripsi non vicio sed meum corrigendo defectum.
Wysbech.

Et ego Johannes de Scardeburgh clericus Ebor. diocesis publicus auctoritate apostolica notarius et dicti venerabilis patris et domini mei Johannis Dei gracia Ebor. archiepiscopi Anglie (*f.* 79) primatis et apostolice sedis legati in hac parte scriba, premissis requisicioni et monicioni per dictum dominum Willelmum Stalmyn dicto venerabili patri factis, presentibus magistris Johanne de Thoresby cancellario dicti venerabilis patris et Johanne de Waltham officiali curie Ebor., Nicholao Broun de Esyngwold auctoritate apostolica notario publico et domino Johanne de Clone rectore ecclesie de Birkyn Ebor.

diocesis ; et subsequenter registrorum prefati reverendi patris et predecessorum suorum per prefatum magistrum Nicholaum de Burtona registratorem exhibicioni ac transumpti de hujusmodi registris factis collacioni, presentibus discretis viris Willelmo de Stillyngtona auctoritate apostolica notario publico et Johanne de Lowthe clerico, necnon omnibus aliis et singulis dum sic coram dicto reverendo patre et registratore suo ac per eosdem in dicto manerio prefati reverendi patris apud Thorp juxta Ebor. dicto nono die mensis Septembris anno ab Incarnacione Domini secundum cursum et computacionem ecclesie anglicane millesimo trecentesimo septuagesimo, indiccione octava, pontificatus sanctissimi in Christo patris et domini nostri domini Urbani divina providencia pape quinti anno octavo agerentur et fierent, una cum prenominatis testibus personaliter presens interfui ; eaque omnia et singula sic fieri vidi et audivi ; ideoque de mandato dicti domini mei hic me subscripsi et presentes litteras sive presens publicum instrumentum signoque meo consueto signavi (*f.* 79*v*) in fidem et testimonium premissorum. Constat michi notario publico de verbis Ebor. diocesis supra primam lineam presentis subscripcionis mei scriptis ; que quidem verba approbo ego notarius predictus quia ea scripsi meum corrigendo defectum.

Et ego Johannes de Stantona clericus Eliensis diocesis publicus apostolica auctoritate notarius prefati venerabilis capituli ecclesie Ebor. scriba et registrarius predictarum litterarum compulsoriarum exhibicioni ac requisicioni et monicioni factis per dictum dominum Willelmum de Stalmyn ut prefertur in domo capitulari predicta dicte ecclesie Ebor. prefato magistro Johanni de Branketre thesaurario et canonico predicte Ebor. ecclesie tunc ipsius ecclesie capitulum facienti, necnon registri ejusdem capituli exhibicioni de mandato dicti magistri Johannis de Branketre per me facte publice tunc ibidem, ac ceteris omnibus et singulis prenotatis prout per supradictum magistrum Ricardum de Wysebech notarium publicum superius recitantur actis habitis et gestis in domo capitulari predicta sub anno Domini,

indiccione, pontificatu et mense Septembris predictis, die undecima dicti mensis, una cum discretis viris magistris Johanne de Heryz, Johanne de Nortona, Richardo de Wysebech, Roberto de Granow et Nicholao Broun, testibus superius nominatis presens interfui eaque sic fieri vidi et audivi et de mandato predicti magistri Johannis de Branketre hic me subscripsi et presentes (*f.* 80) signo meo consueto signavi, rogatus in fidem et testimonium plenius premissorum.

Et ego Nicholaus Broun de Esyngwald clericus Ebor. diocesis publicus auctoritate apostolica et imperiali notarius, prefatus dominus Willelmus de Stalmyn vicarius ecclesie de Gigleswyk predictus prefatum venerabilem patrem dominum Johannem Ebor. archiepiscopum dicto nono die mensis Septembris, et dictum magistrum Johannem de Branketre theasaurarium et canonicum ecclesie Ebor. capitulum ejusdem ecclesie Ebor. ut premittitur facientem, dicto undecimo die mensis Septembris anno indiccione pontificatu et locis predictis requisivit et monuit et dum alia omnia et singula quibus dicti notarii superius recitavit, me fuisse presentem modo et forma supradictis agebantur et fiebant, una cum eisdem notariis et testibus personaliter presens interfui, eaque sic fieri vidi et audivi et ideo me hic subscripsi et signum meum apposui consuetum in majorem fidem et testimonium plenius premissorum rogatus.

56. Noverint universi quod nos abbas et conventus monasterii de Cokersand ordinis Premonstratensis Ebor. diocesis citra revocacionem quorumcumque procuratorum et procuratorum nostrorum per nos hactenus constitutorum et factorum, ordinamus facimus et constituimus dilectum confratrem et concanonicum nostrum fratrem Johannem de Sallay canonicum dicti monasterii (*f.* 80*v*) nostrum verum certum et legitimum procuratorem et nuncium specialem ad presentandum pro nobis et nomine nostro quascumque litteras compulsorias et alias quascumque nobis per venerabilem virum dominum

Hugonem fabri decretorum doctorem domini nostri pape capellanum commensalem et ipsius sacri palacii causarum et cause, inter dominum Thomam Sotheron presbiterum ex parte una ac nos abbatem et conventum predictos ex altera, de et super ecclesia parrochiali de Mittona Ebor. diocesis in Romana curia motis, auditorem specialiter deputatum concessas et concedendas, venerabili in Christo patri et domino domino Johanni Dei gracia Ebor. archiepiscopi Anglie primati et sedis apostolice legato, capitulo Ebor. et aliis personis quibuscumque quibus presentandi fuerint, ac quecumque litteras, instrumenta, processus, scripturas et munimenta de quibus in dictis compulsoriis memoratur, ab eisdem sibi dari et liberari petendi et recipiendi et ad Romanam curiam omnia deferendi, alium vel alios loco sui substituendi et eosdem revocandi ac omnia alia et singula faciendi exercendi et expediendi que dictarum litterarum compulsoriarum tenor exigit et requirit, ratum gratum et firmum perpetuis temporibus habentes et habituris quicquid dominus Johannes procurator noster vel substitutus ab eodem nomine nostro agendum duxerint vel duxerit in premissis. In cujus rei testimonium sigillum nostrum commune presentibus apponi fecimus. Datum in monasterio nostro de Cokersand (*f.* 81) predicto terciadecima die mensis Augusti, anno Domini millesimo trecentesimo septuagesimo.

57. Willelmus de Stalmyn vicarius ecclesie parrochialis de Gigleswyk Ebor. diocesis, executor ad infrascripta auctoritate apostolica deputatus, discretis viris decanis christianitatis Ebor. et de Craven Ebor. diocesis salutem et mandatis nostris ymmo verius apostolicis firmiter obedire. Litteras reverendi viri magistri Hugonis Fabri decretorum doctoris domini nostri pape capellani commensalis, sacri palacii apostolici causarum ac cause et partibus infrascriptis ab eodem domino papa auditoris specialiter deputati, ipsius domini auditoris sigillo cera rubea in cera alba impressa cum filo viridi coloris impendenti sigillatas, ac signo et subscripcione discreti viri magistri Petri

de Aguerra clerici Baionensis diocesis notarii publici communitas, nobis per fratrem Johannem de Sallay canonicum monasterii de Cokersand ordinis Premonstratensis dicte Ebor. diocesis procuratorem abbatis et conventus ejusdem monasterii nobis ex parte eorundem coram notariis et testibus infrascriptis presentatas, nos cum ea qua decuit reverencia noveritis recepisse, tenores qui sequuntur per omnia continentes : Hugo *etc., as in No. 17, to* auctoritate notarius] ac dicti domini Hugonis auditoris prefati et hujusmodi cause coram eo scriba dictarum litterarum compulsoriarum peticioni et decreto ac omnibus aliis et singulis premissis dum sic ut premittitur per ipsum dominum auditorem et coram eo agerentur et fierent, una cum prenominatis testibus presens interfui et exinde presens publicum instrumentum in nota recepi et publicavi, quod aliis occupatus negociis per alium scribi feci signoque meo consueto, una cum appensione sigilli domini auditoris predicti signavi in testimonium veritatis omnium et singulorum premissorum, per dominum magistrum Bernardum procuratorem requisitus.

Post quarumquidem litterarum presentacionem nobis ut premittitur factam et recepcionem earundem fuimus per dictum procuratorem ex parte eorundem abbatis et conventus cum instancia requisiti ut ad execucionem (*f.* 84*v*) earundem cum effectu procedere curaremus. Nos igitur Willelmus vicarius antedictus mandatum prefati domini auditoris nobis in hac parte directum reverenter exequi volentes, ut tenemur, prefatum dominum Thomam Sothern in forma subscripta citandum fore decrevimus, vobisque dominus decanus predictus quibus presentes littere nostre diriguntur et vestrum cuilibet auctoritate apostolica qua fungimur in hac parte committimus et mandamus, quatenus vos vel vestrum quilibet per se divisim, ita quod alter vestrum alterum non expectet, citetis seu citet peremptorie prefatum dominum Thomam Sotherun in dictis litteris nominatum personaliter si inveniri poterit, alioquin ipsius procuratorem si quem dimiserit et si nullum dimiserit, ad domum sive hospicium habitacionis dicti Thome ac in

ecclesia parrochiali de Mittona predicta ac eciam cathedrali Ebor. coram clero et populo publice et alta voce, facta eciam denunciacione notis et amicis ipsius Thome, ita quod citacio hujusmodi ad ipsius Thome noticiam veresimiliter valeat devenire, quod compareat per se vel procuratorem ydoneum coram nobis aut alio coexecutore nostro in hac parte, si nos absentari vel forsan impediri contigerit, in manerio sive hospicio habitacionis reverendi in Christo patris et domini domini Johannis Dei gracia Ebor. archiepiscopi Anglie primatis et apostolice sedis legati, apud villam de Thorp juxta Ebor. situato, die Lune proxime post festum nativitatis beate Marie virginis proxime jam futurum ac in ecclesie cathedrali Ebor. die Mercurii tunc proxime sequente, cum continuacione et prorogacione dierum (*f.* 85) sequencium si oporteat, litteras instrumenta processus munimenta scripturas et registra ad causam predictam facientes et faciencia prefatis abbati et conventui necessaria de archivis ipsius domini archiepiscopi et capituli sui Ebor. ac aliunde coram nobis ibidem exhibenda et producenda visurus, ac causam racionabilem si quam habeat quare hujusmodi littere instrumenta processus munimenta scripture et registra sic exhibenda de mandato nostro transumi et auctoritate apostolica supradicta transcribi extrahi grossari ac in formam publicam redigi non debeant in forma litterarum domini auditoris antedicti, proposituris ostensuris dicturis facturis ulterius et recepturis quod dictarum litterarum tenor per omnia exigit et requirit, denunciantes eidem Thome quod sive in dictis locis et terminis comparere curaverit sive non, in negocio predicto secundum formam mandati predicti per nos aut alium nostrum coexecutorem procedere intendimus, ipsius absencia seu contumacia non obstante ; proviso quod nos de die recepcionis presencium ac citacionis hujusmodi per vos faciende modo et forma ejusdem nos seu alium coexecutorem nostrum quemcumque in hac parte ad dictum diem Lune et manerium de Thorp supradictum certificare curetis, seu curet alter vestrum qui presens mandatum nostrum fuerit executus, per litteras

vestras aut suas patentes harum seriem continentes. In quorum omnium testimonium presentes litteras seu presens publicum instrumentum per Ricardum de Wysebech notarium publicum infrascriptum scribi et publicari mandavimus ac nostri sigilli appensione ipsiusque notarii signo et subscripcione fecimus communiri. (*f.* 85*v*) Datum et actum in ecclesia parrochiali de Gigleswyk vicesimo tercio die mensis Augusti anno ab Incarnacione Domini secundum cursum et computacionem ecclesie Anglicane M°CCC^mo^ septuagesimo, indiccione octavâ et pontificatus sanctissimi in Christo patris et domini nostri domini Urbani divina providencia pape quinti anno octavo, presentibus tunc ibidem discretis viris magistro Roberto Granowe notario publico et domino Thoma de Westderham presbitero Ebor. et Norwicensis diocesum, testibus ad premissa vocatis specialiter et rogatis.

Et ego Ricardus de Wysebech clericus Eliensis diocesis publicus apostolica et imperiali auctoritate notarius predictarum litterarum presentacioni recepcioni decreto mandatis sigilli appensione supradictis, dum sic ut premittitur per venerabilem et discretum virum dominum Willelmum de Stalmyn vicarium de Gigleswyk supradictum agerentur et coram eo fierent, anno indiccione pontificatu et mense die et loco predictis una cum prenominatis testibus personaliter presens interfui eaque sic fieri vidi et audivi scripsi et in hac formam publicam redegi meoque signo consueto signavi rogatus in testimonium veritatis.

58. In Dei nomine amen. Anno ab Incarnacione ejusdem secundum cursum et computacionem ecclesie Anglicane millesimo trecentesimo septuagesimo indiccione octava pontificatus sanctissimi in Christo patris et domini nostri domini Urbani divina providencia pape quinti anno octavo, die dominica videlicet vicesima quinta die mensis Augusti in mei notarii publici infrascripti et testium subscriptorum presencia discretus vir dominus Willelmus de Stalmyn perpetuus vicarius (*f.* 86)

ecclesie de Gigleswyk[1] Ebor. diocesis executor quarundum litterarum compulsoriarum per venerabilem virum dominum Hugonem Fabri domini pape capellanum et ipsius sacri palacii causarum ac cause et partibus infrascriptis ab eodem domino papa specialiter deputatum sibi directarum, quas tunc in manibus tenuit et ostendit ad hospicium habitacionis cujusdam Johannis Sotherun in villa de Mittona accedens et ibidem personaliter constitutus, ubi quidam dominus Thomas Sotherun presbiter traxit originem et plurimum morari consuevit ut dixit, ipsum dominum Thomam diligenter quesivit et quia ipsum dominum Thomam nec aliquem procuratorem suum de quo sibi constare poterat invenire non potuit, ipsum dominum Thomam eadem die dominica in ecclesia parrochiali de Mittona predicta intra missarum solennia dum major in ea affuit populi multitudo coram clero et populo tunc ibidem congregato publice et alta voce citavit, quod coram eo seu altero in hac parte collega seu coexecutore suo si ipsum absentari vel forsan impediri contingeret, in manerio sive hospicio reverendi patris domini Johannis Dei gracia Ebor. archiepiscopi Anglie primatis et sedis apostolice legati apud villam de Thorp juxta Ebor. situato, die Lune proxime post festum nativitatis beate Marie virginis, videlicet nono die mensis Septembris[2] tunc proxime futuro ac in ecclesia cathedrali Ebor. die Mercurii proxime extunc sequente, cum continuacione et prorogacione dierum proxime extunc sequencium per se vel procuratorem ydoneum (*f.* 86*v*) compareret, litteras instrumenta processus munimenta scripturas et registra annexionem unionem et appropriacionem ecclesie de Mittona predicte abbati et conventui monasterii de Cokersand factam, et causam inter dictum dominum Thomam Sotherun et abbatem et conventum predictos de et super dicta

[1] 5 July, 1351. Papal bull to the abbots of Croxton and Cockersand, and the dean of St. Hilary, Poitiers, to put William of Stalmyn into possession of a canonry of Southwell and assign prebend at vacancy, although he now holds the vicarage of Giggleswick (*C.P.L.*, iii, 424 ; *P.R.O., Lists and Indexes*, vol. 49, addendum).

[2] Novembris cancelled.

parrochiali ecclesia de Mittona coram eodem domino auditore in Romana curia motam et pendentem concernencia, prefatis abbati et conventui necessaria, de archivis ipsius domini archiepiscopi et capituli sui Ebor. ac aliunde coram eodem executore seu altero ejus in hac parte collega exhiberi et produci visurus, ac causam racionabilem si quam haberet aut scire diceret quare ea auctoritate apostolica transcribi transumi extrahi grossari et in publicam formam redigi non deberent in forma juris, propositurum ostensurum dicturum ulteriusque facturum et recepturum quod ipsius negocii qualitas exigit et requirit. Denunciavit eciam ibidem idem vicarius eidem Thome licet absenti coram notis et amicis suis in dicta ecclesia tunc existentibus et eis publice intimavit et predixit quod sive in dictis locis et terminis comparere curaverit sive non, in dicto negocio procedere voluit et intendebat per se vel alium coexecutorem suum secundum vim formam et effectum dictarum litterarum compulsoriarum prout de jure potuit, ipsius absencia seu contumacia non obstante. Tenor vero litterarum compulsoriarum de quibus supra fit mencio sic incipit : Hugo *etc., as in No. 17.* Supra quaquidem citacione (*f.* 87*v*) ac omnibus aliis et singulis superscriptis idem Willelmus executor requisivit me notarium publicum ut sibi conficerem publicum instrumentum. Acta et data sunt hec sub anno indiccione pontificatu mense die et locis predictis presentibus tunc ibidem discretis viris domino Willelmo de Bosdona vicario ecclesie de Mittona, magistro Roberto Granow notario publico, Johanne de Tydringtona et Roberto Thurstansona Ebor. et Lincolniensis diocesium et aliis parrochianis in multitudine copiosa tunc ibidem astantibus, testibus ad premissa vocatis specialiter et rogatis ; et ego Ricardus de Wysebech clericus Eliensis diocesis publicus apostolica et imperiali auctoritate notarius premissis citacioni et denunciacioni ac omnibus aliis et singulis superscriptis, dum sic ut premittitur per dictum dominum Willelmum executorem agerentur et fierent, sub anno indiccione pontificatu mense die et locis predictis, una cum prenominatis testibus personaliter

presens interfui eaque sic fieri vidi et audivi scripsi et in hanc publicam formam redegi meoque signo consueto signavi, rogatus in testimonium premissorum.

59. Reverendo discrecionis viro domino Willelmo de Stalmyn perpetuo vicario ecclesie parrochialis de Gigleswyk Ebor. diocesis executori ad infrascripta auctoritate apostolica deputato aut alii coexecutori vestro cuicumque in hac parte, decanus christianitatis Ebor. reverencias et honores ac apostolicis obedienciam debitam in mandatis. Litteras vestras sigillo (*f.* 88) vestro ac signo et superscripcione magistri Ricardi de Wysebech clerici Eliensis diocesis publici apostolica et imperiali auctoritate notarii nobis satis notis communiter tricesima die mensis Augusti, anno Domini millesimo trecentesimo septuagesimo recepimus, tenorem qui sequitur per omnia continentes : Willelmus de Stalmyn *etc., as in No.* 57. (*f.* 92*v*) Quarum auctoritate litterarum vestrarum prefatum Thomam Sotheron in eisdem litteris nominatum diligenter quesivi et quia ipsum personaliter invenire non potui nec aliquem procuratorem per ipsum dimissum citavi peremptorie eundem Thomam Sotherun dicta tricesima die mensis Augusti, anno Domini supradicto, in dicta ecclesia cathedrali Ebor. per publicum citacionis edictum ibidem propositum coram clero et populo publice et alta voce, facta eciam denunciacione notis et amicis dicti Thome ; ita quod citacio hujusmodi ad ipsius Thome noticiam verisimiliter valeat devenire quod compareat per se vel procuratorem ydoneum coram vobis vel alio coexecutore vestro in hac parte, si vos absentari vel forsan impediri contigerit, in predicto manerio sive hospicio . . .

APPENDIX A

6 URBAN V — 7 *Dec.*, 1367.

DILECTIS filiis abbati monasterii beate Marie Eboracensis et archidiacano Estridyngie in ecclesia Eboracensi ac officiali Eboracensi salutem etc. Laudabilia probitatis et virtutum merita super quibus apud nos dilectus filius Thomas Sotheron rector parrochialis ecclesie de Monnesleya, Norwicensis diocesis, apud nos fidedigno commendatur testimonio nos inducunt, ut sibi reddamur ad graciam liberales. Cum itaque sicut accepimus parrochialis ecclesia de Mitton, Eboracensis diocesis, quam quondam Wilhelmus de Tatham ipsius ecclesie rector dum viveret obtinebat, per ipsius Willelmi obitum, qui extra Romanam curiam diem clausit extremum, vacaverit et vacet ad presens, licet dilecti filii abbas et conventus monasterii de Cokersand Premonstratensis ordinis, dicte Eboracensis diocesis, pretextu cujusdam unionis de dicta ecclesia eisdem abbati et conventui ac monasterio ut asseritur minus canonice facte, ipsam ecclesiam de facto detineant indebite occupatam, fructus percipiendo ex ea. Nos volentes dicto Thome premissorum meritorum suorum intuitu graciam facere specialem, discrecioni vestre per apostolica scripta mandamus, quatenus vos vel duo aut unus vestrum per vos vel alium seu alios, si vocatis dictis abbate et conventu et aliis qui fuerint evocandi, dictam parrochialem ecclesiam de Mittona vacare inveneritis ut prefertur, ipsam ecclesiam dummodo tempore dat' presencium non sit in ea alicui specialiter jus quesitum, eciam si tanto tempore vacaverit quod ipsius (*f.* 100) ecclesie de Mittona collacio sit ad sedem apostolicam juxta Lateranensis statuta concilii

legitime devoluta, cum omnibus juribus et pertinenciis suis eidem Thome auctoritate nostra conferre et assignare curetis ; inducentes eum vel procuratorem suum ejus nomine in corporalem possessionem parrochialis ecclesie juriumque et pertinencium predictorum et defendentes inductum, amotis ab ea dictis abbate et conventu et alio quolibet illicito detentore, sibique facientes de ipsius parrochialis ecclesie fructibus, redditibus, proventibus, juribus et obvencionibus universis integre responderi ; contradictores auctoritate apostolica nostra appellacione postposita compescendo, non obstante si aliqui super provisionibus sibi faciendis de parrochialibus ecclesiis vel aliis beneficiis ecclesiasticis in illis partibus speciales vel generales apostolicae sedis vel legatorum ejus litteras impetrarint, eciam si per eas ad inhibicionem, reservacionem et decretum vel alio quomodolibet sit processum ; quibus omnibus dictum Thomam in assecucione dicte parrochialis ecclesie de Mittona volumus anteferri, sed nullum per hoc eis quoad assecucionem parrochialium ecclesiarum et beneficiorum aliorum prejudicium generari. Seu si venerabili fratri nostro archiepiscopo Eboracensi vel quibusvis aliis communiter vel divisim a dicta sit sede indultum, quod ad recepcionem vel provisionem alicujus nunc teneantur et ad id compelli, aut quod interdici, suspendi vel excommunicari non possint, quodque de parrochialibus ecclesiis vel aliis beneficiis ecclesiasticis ad eorum collacionem pro. pre. seu quamvis aliam dispensacionem conjunctim vel separatim spectantem nulli valeat provideri per litteras apostolicas non facientes plenam et expressam ac de verbo ad verbum de indulto hujusmodi mencionem, et qualibet alia dicte sedis indulgencia generali vel speciali cujuscumque tenoris existat, per quam presentibus non expressam vel totaliter non insertam effectus earum impediri valeat quomodolibet vel differri, et de qua cujusque toto tenore habenda sit in nostris litteris mencio specialis ; seu quod dictus Thomas parrochialem ecclesiam de Monnesley predictam noscitur obtinere. Volumus autem quod ipse Thomas quamprimum vigore presencium dic-

tam parrochialem ecclesiam de Mittona fuerit pacifice assecutus, parrochialem ecclesiam de Monnesley predictam quam ut prefertur obtinet et quam extunc vacare decernimus, dio prout eciam ad id se sponte obtulit, dimittere teneatur, ac insuper exnunc irritum decernimus et inane, si secus super hec a quoquo quavis auctoritate scienter vel ignoranter contigerit attemptari. Datum Rome apud Sanctum Petrum vij idus Decembris anno sexto (*Vatican Register* 258, *f.* 99*v*).

APPENDIX B

3 JOHN XXIII — 12 *November* 1412.

JOHANNES etc. dilectis filiis abbati et conventui monasterii de Cokersand Premonstratensis ordinis Eboracensis diocesis salutem etc. Ad hoc circa regularis observancie professores eo diligencius laboramus quo fecundius illorum religio fructuum in eis offerat salutarem et laudabilibus possint in Domino proficere incrementis. Sane peticio pro parte vestra nobis nuper exhibita continebat pro eo quod monasterium vestrum de Cokersand Premonstratensis ordinis Eboracensis diocesis in extremitate regni Anglie consistit nonnunquam pauci reperiuntur (*f.* 27) instantes pro regulari recipiendo habitu in monasterio antedicto. Nos vestris in hac parte supplicacionibus inclinati, cum omnibus et singulis canonicis monasterii predicti eundem ordinem expresse professis qui nunc sunt et eciam erunt pro tempore, ut ipsi dummodo ad hoc alias habiles et ydonei reperti fuerint, postquam eorum quilibet vicesimum sue etatis annum compleverit ad omnes eciam sacros ordines promoveri et in illis ministrare libere et licite valeant, auctoritate apostolica tenore presencium de speciali gracia dispensamus, constitucionibus apostolicis necnon statutis et consuetudinibus monasterii et ordinis predictorum juramento confirmacione apostolica vel quacumque firmitate alia roboratis ac aliis contrariis non

obstantibus quibuscumque. Nulli ergo etc. nostre dispensacionis infringere etc. Si quis etc. Datum Rome apud Sanctum Petrum secundo idus Novembris anno tercio.

Franciscus de Agello
(*Lateran Register* 166, *f.* 26*v.*)

APPENDIX C

Littere de officio thabellionatus

Ego . . . ab hac hora in antea fidelis ero beato Petro et sancte Romane ecclesie ac domino meo domino Clementi pape vj et successoribus suis canonice intrantibus ; non ero in consilio auxilio consensu vel facto ut vitam perdant aut membrum vel capiantur mala capcione. Consilium quod michi per se vel litteras aut nuncium manifestabunt ad eorum dampnum scienter nemini pandam. Si vero ad meam noticiam aliquid devenire contingat quod in periculum Romani pontificis aut ecclesie Romane vergeret seu grave dampnum, illud pro posse impediam et si hoc impedire non possem, procurabo bona fide id ad noticiam domini pape perferri. Papatum Romanum et regalia sancti Petri et jura ipsius ecclesie specialiter siqua eadem ecclesia in civitate vel terra de qua sum oriundus habeat, adjutor eis ero ad defendendum et retinendum seu recuperandum contra omnes homines. Tabellionatus officium fideliter exercebo. Contractus in quibus exigitur consensus partium fideliter faciam, nil addendo vel diminuendo sine voluntate partium quod substantiam contractus immutet. Si vero in conficiendo aliquod instrumentum unius solius partis sit requirenda voluntas, hoc ipsum faciam ut scilicet nil addam vel minuam quod inmutet facti substanciam contra voluntatem ipsius. Instrumentum non conficiam de aliquo contractu in quo sciam intervenire seu intercedere vim vel fraudem. Con-

tractus in prothocollum redigam et postquam in prothocollum redegero maliciose non differam contra voluntatem illorum vel illius quorum est contractus super eo conficere publicum instrumentum, salvo meo justo et consueto salario. Sic me Deus adjuvet et hec sancta Dei evangelia (*Vatican Register* 165, *f.* 35).

THOMAS DE SOTHERON *v.* COCKERSAND ABBEY

1. On Tuesday, 30 Jan., 1369, Henry Coquilleti, courier of Pope Urban V, presented on behalf of the pope to the lord Hugh Fabri, doctor of decrees, commensal chaplain to the Pope, and auditor of the causes of the sacred apostolic palace, a schedule of commission or supplication. As was befitting, the auditor received it reverently and handed it to Peter de Aguerra, clerk of the Bayonne diocese, a public notary by apostolic and imperial authority, and his scribe. The auditor instructed the notary to register the schedule and keep record of the case step by step and the decisions of the auditor, supplying copies to the parties who sought them.

2. The tenor of the petition was as follows:

Thomas of Sotheron, rector of the parish church of Mitton, York diocese, requested the Pope that his cause against the abbot and convent of Cockersand, Premonstratensian order, same diocese, concerning Mitton Church, might be committed to one of the auditors of the causes of the sacred apostolic palace for judgement. At the end, in different handwriting, were the words: "By mandate of our lord the pope, let master Hugh Fabri hear the case, cite as requested, and do justice." The courier handed the petition to the auditor at his house on the above date, about the hour of vespers, in the presence of another notary and scribe and of two clerks.

3. The auditor granted Sotheron's request for a citation and requested Aguerra to draw up a public instrument. The witnesses as in No. 2.

4. The citation was sent by the auditor to the ecclesiastics of all ranks and to the public notaries of York diocese. He

gave the case as above and the terms of Sotheron's petition. Within six days after the receipt of the auditor's citation they were to summon the abbot and convent of Cockersand, either in their monastery or in Mitton Church or in the cathedral church of York, to attend at Rome or where the papal court should be sitting, on the fiftieth day after the auditor's citation. Given at Rome in the hospice of the auditor's dwelling, on the same day and with the same witnesses as above.

5. On Monday, 31 Dec., 1369, about the hour of prime, brother William of Overton presented himself in Aguerra's room at the auditor's dwelling in Rome, and declared himself proctor of Cokersand Monastery, producing a public instrument which he asked the notary to enrol among the acts of the cause.

6. This instrument, dated 30 Sept., 1369, was drawn up by Richard of Wisbech, clerk of York diocese, public notary by apostolic and imperial authority. It testified that Jordan the abbot of Cockersand and his named brethren to the number of twelve had in chapter appointed as proctors in the case John of Sallay their brother canon, William of Overton, Premonstratensian canon of the monastery of Croxton, Lincoln diocese, and Sir John of Bukheved, priest of York diocese. The instrument was witnessed by William Hardy, Thomas of Bashall [Bakschelf] and John of Graystock of the York diocese.

7. On Monday, 7 Jan., 1370, in the house of Benedict Canalerii, papal spicer (*speciarius*), William of Overton substituted as proctor master Bernard de Bugueto, proctor in the Roman Curia, and asked Aguerra to record the substitution in a public instrument. There were present the lord Bartholomew de Cassauli, reader of the *litterae contradictoriae* of the pope, master Theodoric de Arnstede, proctor in the Roman Curia, and Peter the count's moneychanger, diocese of Limoges, following the Roman Curia.

8. The terms of the instrument show that Overton visited the notary a little after the hour of vespers and that the

spicer's house was in front of St. Peter's, Rome. De Bugueto's powers were confined to the Roman Curia.

9. On Wednesday, 30 Jan., 1370, Bernard de Bugueto appeared in judgement before the lord auditor at Rome, in the apostolic palace of causes, in the morning at the hour of causes when the auditor was in his usual place. He asked the auditor to cite Sotheron by courier in the house at Rome where he was accustomed to live. The auditor decreed the eighth day following or the first juridical day after that and ordered James, son of George, papal courier, to present to Sotheron the *libellus* or summary petition.

10. On Friday, 1 Feb., the courier came in the morning to the apostolic palace of causes and reported to the auditor and notary that he had been the previous day to the house of master Herman of Ureden, where Sotheron was accustomed to stay. The people there told him that Thomas had left while the Curia was last in Viterbo. De Bugueto thereupon asked the auditor to cite Sotheron and his proctors, if any, by the reading of *litterae contradictoriae*, and the eighth day following was appointed for the reading.

11. On Monday, 2 Feb., De Bugueto again appeared before the auditor and the citation was read in an audience of *litterae contradictoriae*, signed and sealed, accusing of contumacy the persons cited and not appearing or handing in a *libellus*. As they did not then appear, the auditor pronounced them contumacious and fixed the eighth day following for their appearance, ordering a copy of the *libellus* to be given them if they so desired.

12. Text of the citation of Thomas of Sotheron, rector of the parochial church of Mitton, exhibited by master Bernard the proctor. Dated Rome, 3 Feb., 1370.

13. The proctor for Cockersand appeared before the auditor and said that though Cockersand held Mitton Church canonically united and annexed, save the vicar's portion, in peaceable possession until then, yet Thomas Sotheron falsely asserting

that the church had been collated to him in title of benefice, was unjustly troubling them over it. So the proctor asked the auditor for a definitive sentence that Sotheron had no rights in Mitton Church and perpetual silence to be imposed on him. He claimed also damage and expenses.

14. On Wednesday, 12 Feb., De Bugueto appeared before the auditor sitting in judgement asking for Sotheron to be cited by the public hearing of papal letters contradictory to appear on a certain day. The auditor fixed the next cūrial day he should be in the apostolic palace of causes sitting in judgement.

15. On Friday, 15 Feb., De Bugueto appeared before the auditor and produced a citation which was read, signed and sealed. As those cited did not appear the auditor pronounced them contumacious and issued letters compulsory. De Bugueto asked Peter de Aguerra to draw up a public instrument, in the presence of Anthony, son of Peter de Fractis and Hugh de Claren', of the dioceses of Gaeta and Châlons, public notaries and scribes of the auditor.

16. The terms of the compulsory citation of Thomas de Sotheron. Given by the auditor at Rome 15 Feb., 1370, 8 Urban V.

17. The auditor to the abbot of Sallay and the archdeacon of Richmond in York Church. After reciting Sotheron's petition he stated that the case was begun, but the proctors of Cockersand had complained that the authorities at York had refused to supply from the registers copies of the documents necessary for the presentation of their case. These were now demanded under pain of excommunication. Rome, Friday, 15 Feb., 1370, 8 Urban V. Notary Peter de Aguerra ; witnesses : Anthony, son of Peter de Fractis, and Hugh de Claro' [*sic.*]

18. On Wednesday, 20 Feb., Bernard de Bugueto came to the auditor sitting in judgement and produced the citation which had been read. As the parties cited had not appeared, he asked for them to be declared contumacious and asked for

a day to be sworn and to submit his *libellus*. This the auditor granted and de Bugueto took the oath forthwith. The auditor fixed the 20th juridical day from then, to be publicly announced by letters contradictory.

19. Copy of the citation mentioned above. Date 12 Feb., 1370.

20. On Friday, 22 Feb., about vespers, William of Overton, principal proctor, went to the auditor's house and said that Thomas Sotheron had recently come to the Roman court. Overton asked for him to be cited and state his case. This the auditor granted, fixing the 20th juridical day from then, Sotheron to be cited by Raymund (?) de Salario, papal courier. At compline the courier found Peter de Aguerra in the church of SS. Celsus and Julian and reported that he had recently cited Sotheron as directed.

21. On Monday, 11 March, Bernard de Bugueto appeared before the auditor and accusing Sotheron of contumacy, produced certain articles promising to give them the facts the whole of that day. The auditor pronounced Sotheron contumacious and de Bugueto left the court.

22. The terms of the citation of Sotheron shown by de Bugueto, the proctor. Dated 21 Feb., 1370.

23. On Monday, 11 March, in the presence of Peter de Aguerra and at the auditor's house about vesper time, in Peter's room brother William of Overton, chief proctor, produced the articles de Bugueto had shown earlier in the day and then left. They were as follows:

(1) For 70 years and more there had been an abbey of the Premonstratensian order at Cockersand, with many canons regular under an abbot.

(2) It was on the shores of the western sea and near marshy ground. Twice daily the tide washed the walls enclosing the abbey and often damaged them.

(3) Most of the abbey's possessions were on or near the coast and were often damaged by flooding.

(4) The abbey had a constant stream of guests, rich and poor, and had to furnish a wide and general hospitality, especially to the nobles and poor who flocked there.

(5) This entailed great expense.

(6) All this was and is publicly known.

(7) Before 1338 there was war between the kings of England and Scotland, and the war lasted several years.

(8) The abbey was and is situated towards Scotland and in their hostile raids the Scots damaged, burned, destroyed and devastated many houses, vills and manors.

(9) At that time the abbey had granges at Cowperthwaite, Hilderston, Kellet, Ashton and Ellel ; and the vill of Garstang.

(10) Before 1338 the Scots had destroyed, burned and devastated these.

(11) This destruction happened between June and October, 1338, and before.

(12) Other buildings and goods of the abbey were destroyed during these months and before and after by these wars.

(13) All this was and is known publicly.

(14) During these 70 years there was a parish church at Mitton, York diocese.

(15) During these years and up to the time of the union (appropriation) the abbey had the right of patronage and of appointing the rector of Mitton Church.

(16) All this was and is known publicly.

(17) At that time, 1338, the income of the abbey was so slender as not to support the canons and their burdens and maintain the due and customary hospitality.

(18) This was and is known publicly and that the abbot and canons were in great necessity and penury.

(19) All this was and is known publicly.

(20) In June, 1338, and before and after the abbot was William of Bosden.

(21) In 1338 the archbishop of York was William [Melton].

(22) The abbot laid the necessities of the abbey before the

archbishop and asked for the appropriation of Mitton Church. The archbishop consulted his chapter and asked for a report from his official, commissary-general and Adam of Twistleton (Twiston), his advocate. These examined witnesses and made their report. The archbishop then sent the depositions to the dean and chapter for their deliberation. The dean and chapter gave him their opinion in writing 21 July, 1338. The archbishop with his dean and chapter decided that the abbey's case was just and reasonable; that the evident utility of the church and the great necessity of the abbey demanded the union sought for and the dean and chapter gave their consent.

(23) After an enquiry into the value of Mitton Church, the archbishop united it to Cockersand Abbey in Oct., 1338, reserving a vicar's portion.

(24) All this was and is publicly known.

(25) By virtue of this union the abbey entered into possession over thirty years ago.

(26) The abbey had held the church quietly these 30 years until the present controversy.

(27) All this was and is known publicly.

(28) For 60 years and more the fruits of vacant benefices in York city and diocese belonged to the archbishop.

(29) All this was and is publicly known.

(30) Thomas Sotheron was troubling the abbey unjustly over Mitton Church.

(31) The proctor gave a *libellus* stating his articles.

(32) He made the customary protestations.

24. On Wednesday, 13 March, Thomas Sotheron appeared before the auditor sitting in judgement and appointed as proctors Hugh of Arlam (absent) and Herman of Ureden (present) by public instrument to be drawn up by Peter de Aguerra. There were present Anthony, son of Peter de Fractis, and Hugh de Claren'. By these acts Herman of Ureden sus-

pended petitory judgement and intended to proceed further. Thomas Sotheron and Herman of Ureden then withdrew. Shortly afterwards Herman presented articles for Sotheron and then left the court. Next Bernard de Bugueto asked for the return of his articles and presented them anew, asking for a day for Sotheron to be cited to reply to his articles. The auditor fixed the 8th juridical day from then and sent the citation by James, son of George, papal courier. Sotheron was to have a copy of the articles, should he so wish. The same day was fixed for Bernard de Bugueto then present. The courier returned about lunch-time to the house of the auditor, where he informed Peter de Aguerra that a short time before he had found Sotheron in person in Rome and had cited him.

25. The tenor of the instrument of proctorship shown by Herman the proctor, dated Wednesday, 13 March, 1370, and drawn up in the apostolic palace of causes before Hugh Fabri the auditor, witnessed by Anthony, son of Peter de Fractis, and Hugh de Claren' and Peter de Aguerra.

26. Articles on behalf of Thomas Sotheron :

(1) The parochial church of Mitton had existed for the last 100 years and more and had and has a baptismal font, cemetery, many parishioners of both sexes, distinct boundaries, with cure of souls, and was and is recognized as parochial. It was served by the secular clergy.

(2) It constituted one perpetual and secular ecclesiastical benefice only.

(3) All this was and is known publicly.

(4) For 50 years and more Cockersand Abbey had the right of presenting to the archbishop of York a secular clerk when Mitton Church became vacant, and he was instituted with peaceable possession.

(5) The archbishop alone had and has the power of institution.

(6–7) All this was and is known publicly.

(8) William of Tatham was rector 1331–40 and before and

after, to the time of his death in 1360, which took place outside the Roman Court.

(9) Mitton Church was known to be vacant in April, 1361, and before and after.

(10) Cockersand Abbey knew this.

(11) The abbey could have presented a secular clerk, but neglected to do so up to 20 Dec., 1367.

(12) Since 1360 John [of Thoresby], archbishop of York, knew of this negligence of the patrons to present a secular clerk within the term fixed by the statutes of the Lateran Council and knew of the death of William of Tatham and the vacancy of the church up to 20 Dec., 1367.

(13) Before 7 Dec., 1367, the collation of the parochial church of Mitton had, by the statutes of the Lateran Council, legitimately devolved on the Apostolic See.

(14) All this was and is known publicly.

(15) Pope Urban V granted Mitton Church to Thomas Sotheron by apostolic letters dated from St. Peter's, Rome, 7 Dec., 1367, if the church should be found to be truly vacant and the right to present appertained to no one else.

(16) Thomas Sotheron presented these letters to William Morreys, abbot of St. Mary's, York, and he, occupied with other affairs, sub-delegated the abbot of Whalley and the archdeacon of Bedford in Lincoln Church to execute them.

(17) Master John of Irthlingburgh [archdeacon of Bedford] in July, 1368, received the letters on behalf of the abbot of St. Mary's as sub-executor and cited the abbot and brethren of Cockersand to St. Paul's, London, to show cause why he should not execute the papal letters.

(18) Cockersand Abbey was lawfully cited by public instrument.

(19) On the day fixed Thomas Sotheron appeared in St. Paul's, London, asked for his opponents to be pronounced contumacious and presented articles together with witnesses. The sub-executor found the church of Mitton was really

vacant, that the right of presenting belonged to no other and conferred it on Thomas Sotheron then present.

(20) All this was and is known publicly.

(21) Sotheron went in Aug., 1368, to John of Lindley, abbot of Whalley, and asked him to execute the papal letters. The abbot read them and notified Cockersand Abbey in the churches at Cockersand and Mitton, asking the canons to give up the church within the time fixed. He cited the canons to appear before him in the cemetery of Mitton Church to show cause, etc.

(22) Thomas and his proctors appeared in the cemetery, and asked for Cockersand to be pronounced contumacious and himself to be inducted. The abbot had the letters read in his presence, and pronounced the absent canons contumacious.

(23) The abbot then took Sotheron by the hand and led him into the church through the open door peacefully ; gave him the bell ropes, books, missals, chalice and ornaments of the altar as signs of peaceful possession.

(24) Sotheron then ordered the ministers and clerks to ring the church bells for Mass, vested and celebrated Mass before a large congregation of parishioners and after the offertory the parishioners gave offerings amounting to three florins of English money, which Sotheron received and pocketed, with no one to say nay. After Mass the abbot led Thomas to the rector's manse and gave him public possession.

(25) That night Thomas entertained the parishioners in the manse according to the laudable custom of the country and had peaceful possession for several months.

(26) Then the abbot of Cockersand sent brother Thomas of Burgh, canon, with a multitude of armed men, and with force and violence they beat Walter of Hawkesworth, Sotheron's proctor, and others of Sotheron's household and drove them off with bows and arrows, expelling them from the manse and despoiling Sotheron of his possessions, caring nought for the excommunication they incurred.

(27) The losses of Thomas Sotheron and his brother John

were 120 oxen and cows, 60 horses and mares, 20 quarters of wheat, 60 quarters of oats, 16 quarters of barley, utensils and furniture, to a total value of 400 marks sterling.

(28) All this was and is known publicly.

(29) All this time Sotheron was a priest with priest's dress and tonsure, above thirty years old and otherwise competent and suitable for the parish.

(30) He vouches for his executors and proctors in this case.

(31) He states his case in propositions and articles.

(32) He protests as is customary.

The proctor begged the auditor for definitive sentence against his expulsion and the intrusion of Cockersand Abbey and asked for Sotheron to be restored with his goods or 400 marks damages in lieu thereof ; and sentence of excommunication to be pronounced on the abbot and convent.

27. On Monday, 18. March, Herman of Ureden, proctor, appeared before the auditor and asked for the opposing side to be cited by papal courier. This was done by Peter of Bougrant, who soon after reported to the auditor and Peter of Aguerra that he had cited Bernard de Bugueto in the building. Herman then appeared in court, but Bernard did not and was pronounced contumacious in a public instrument on Herman's request. Witnesses : Anthony, son of Peter de Fractis, and Hugh de Claron.'

28. The tenor of the above instrument. [*Five pages blank.*]

29. On Wednesday, 20 March, Bernard de Bugueto appeared in the auditor's court. He pronounced the articles of his adversary to be frivolous, vain, vague, obscure, uncertain, inadmissible. He was prepared to answer them in word or in writing. He then went away. Afterwards came Herman and produced a schedule of exception to the articles adduced by Cockersand. At his request Bernard was cited to appear on the eighth juridical day from then. The courier was James, son of George, and after lunch he returned to the auditor's house and informed Peter of Aguerra that he had just cited

Bernard of Bugueto and, at the auditor's request and Bernard's instance, Thomas of Sotheron.

30. The tenor of the schedule of exceptions shown by Herman of Ureden—a general condemnation by Sotheron of the articles brought forward by Cockersand.

31. On Wednesday, 27 March, Herman appeared before the auditor and produced papers dealing with his articles. Bernard, not appearing, was cited for the eighth day to come by George, son of Roland, courier, who found Bernard in the building.

32. The tenor of the declarations made by Master Herman as proctor. At Cockersand Abbey was an abbot with six canons, and usually the house did not exceed ten in number. They had more than enough for their needs and their annual income, apart from Mitton Church, was 600 marks and over. In the years 1337–40 the abbey possessed Garstang parish church, Garstang vill, land in Haighton, Preesall (Presou), Holmes near Poulton, Singleton, Ashton, Forton, Tarleton, the granges or manors of Conscough, Ulkrigge, Holmes, Cowperthwaite, Stainall, Medlar and Sonterscale; rents in York, Carlisle, Lancaster, Penrith, Middleton, Thurnam, Stalmine and Kellet. These places were far from the sea: Carlisle 6 miles, Garstang Church and vill 5 miles, Pilling ½ mile, Hutton 3 miles, Haighton 3 miles, Conscough 1 mile, Holmes manor 1 mile, Holme vill by Poulton 3 miles, Singleton 3 miles, Ellel 1 mile, Cowperthwaite 1 mile, Forton 2 miles, Lancaster 2 miles, Penrith 12 miles, Tarleton 3 miles, Middleton 4 miles, Stainall 2 miles, Medlar 2 miles, Sonterscale 1 mile, Middleton [sic] 2 miles, Thurnham 2 miles, Kellet 3 miles. In 1337–40 these places were worth: Garstang Church £100, Garstang vill £40, Pilling £10, Haighton £20, Ulkrigge (in Pilling) £5, Holmes manor 10 marks, Preesall 20 marks, Holmes vill by Poulton 12 marks, Singleton 20 marks, Ellel 15 marks, Ashton 16 marks, Cowperthwaite 10 marks, Forton 20 marks, Lancaster 6 marks, York ?, Carlisle 6 marks, Penrith 7½ marks, Tarleton 16 marks,

Middleton 5 marks, Stainall 20 marks, Medlar 12 marks, Sonterscale 10 marks, Thurnham 15 marks, Stalmine $7\frac{1}{2}$ marks, Kellet 10 marks. The canons had buyers and tenants who gave these sums and the abbey received these amounts. The sea of which the canons complained was a great boon to them and a source of income ; for 40 years past it had caused no damage to walls or enclosures. Only once had it caused damage to the abbey and that but slight, the bill for repairs amounting to £20. The abbey was at least 4 miles distant from the main road and the track of travellers or pilgrims. There were few visitors and these only by invitation or on business with the abbey. Any good administrator could have met the hospitality customary 1336–40 and since on ten marks sterling each year.

The Scots and other raiders had not harmed York Diocese for 44 years past and in particular the possessions of Cockersand. At the time of the pretended union and 1336–40 and since, Cockersand held its possessions free from hostile raid. The parish church of Mitton had a large parish with nine vills well populated, 10 miles by 6. It could not be properly governed by one priest. William of Tatham, last rector, and his predecessors had two or three commensal priests and four or five household clerks and laymen to help him. Since the religious detained the church, it had been served by one priest and thus many children had died without baptism, many women also in childbirth and many sick parishioners without *viaticum* and the last sacraments of the Church, although they had asked for them. Masses and other divine offices were only said on Sundays and festivals when offerings were made. Divine service was notably diminished and this gave rise to grave scandal. From 1337 to 1340 and since any urgent necessity for the union had ceased. The pretended union was only made by William, archbishop of York, on 31st Oct., 1338, from Thorpe near York. The written consent of the dean and chapter was given at York, 2 Nov. The manor of Thorpe

was 2 miles from the chapterhouse and the interval was about 3 days.

33. On Wednesday, 3 April Bernard de Bugueto made a general condemnation of his opponent's articles before the auditor. Later Herman of Ureden came and asked for his opponents to be cited to produce their documents. This was done for the eighth juridical day following by Giles, son of Martin, papal courier, who found Bernard de Bugueto in the building.

On Friday, 5 April Herman appeared and asked for certain witnesses to be cited along with Bernard of Bugueto. This was done by Bernard of Sori (?), papal courier.

34. . . . The archbishop of York promised brother John of Sallay, canon and proctor of Cockersand, that he would obey the papal mandate for transcripts of the documents. On the same day, 9 September, the archbishop caused the registers of William of Melton and his own to be shown to John of Sallay by Nicholas of Burton, rector of Holy Trinity in the King's Court, York, his registrar, and allowed extracts to be made and drawn up in public form by the undermentioned notary. "And I William [of Stalmine], vicar [of Giggleswick] have pronounced Thomas of Sotheron contumacious as he did not appear when cited and have inspected and had put in form the documents produced by Nicholas of Burton by mandate of the archbishop on the same 9th Sept. in the presence of myself and others. These follow."

35. The acts and instruments of the union. In the margin are the comments made by or on behalf of Sotheron. First William of Bosdon, abbot of Cockersand, came to William of Melton, archbishop, at Cawood, and presented a petition as follows :

36. Text of Bosdon's petition for the appropriation of Mitton Church. The abbey situated between the western sea and marshes was washed twice daily by the sea. Most of its lands were on the coast and were being ruined by floods. The

nearest arable land and meadows were 4 leagues away. The canons could not meet the calls on their hospitality and there was a great concourse of guests. Their granges at Cowperthwaite, Hilderston, Kellet, Ashton and Ellel and the vill of Garstang had been burnt and destroyed in the Scottish invasions, and the income of the abbey was not sufficient to repair them and meet their other obligations. After deliberation the archbishop ordered an inquiry as follows :

37. The archbishop's letter directed to his official, his commissary-general and Adam of Twistleton, advocate of his court. He enclosed Cockersand's petition and ordered an inquiry. Cawood, 30th June, 1338.

38. These officials wrote to the dean of Craven to cite the rector of Mitton and other parties interested to appear in the cathedral church of York on Wednesday after the Translation of St. Thomas. From York 1st July, 1338.

39. On the Wednesday abbot William appeared before the commissaries and showed a certificate of the dean of Craven that the rector of Mitton and other interested parties had been cited.

40. The certificate of the dean of Craven who had found the rector of Mitton in his church. From Skipton, 3rd July, 1338.

41. The rector did not appear at York, and at the abbot's instance was pronounced contumacious. The abbot produced articles to prove the points raised in his petition.

42. The articles shown by the abbot of Cockersand. He and the convent intended to prove

(*a*) The damage done by the sea to the walls of the abbey.

(*b*) The damage by flooding to its lands, etc., which for the greater part lay near the sea.

(*c*) The arable lands and meadows were 4 leagues distant.

(*d*) There were so many guests that the usual hospitality could not be maintained.

(*e*) They had even to give the guests the food cooked for themselves.

(*f*) The granges of Cowperthwaite, Hilderston, Kellet, Ashton and Ellel, and their vill of Garstang were burnt by the Scots and the income of the abbey was insufficient for their repair.

(*g*) Mitton Church was of their patronage and when it fell vacant they had the right of presentation.

43. When the abbot gave these articles to the commissaries, he produced ten witnesses : William of Shareshull knt. king's justice, Thomas of Kendal rector of Kelme Church, John of Hornby, Thomas Surreys, Robert of Pleasington, Roger of Farington, Thomas of Goosnargh, Thomas of Singleton, Robert of Singleton, John of Skerton. These were admitted, took the oath and were examined singly concerning the articles. Their depositions were as follows : [*missing*]

44. The witnesses were examined by the commissaries on Wednesday and Thursday after the Translation of St. Thomas and their depositions under seal were sent to the archbishop who read them and sent them for inspection to his chapter with the following letter.

45. The archbishop William to his dean and chapter. Cawood, 10 July, 1388.

46. The dean and chapter inspected the depositions and returned them. The archbishop fixed 21 July for a discussion which took place in the chapter house and the pros and cons were weighed. They found the reasons alleged for the appropriation were valid and that the abbey was in evident necessity. They unanimously consented to the appropriation, and subsequently the archbishop ordered an inquiry as to the value of Mitton Church.

47. The archbishop to the dean of Craven and the perpetual vicar of Gargrave Church, asking for a detailed statement of the income of Mitton Church. Cawood, 23 July, 1338.

48. After this inquisition abbot William on 11th August appeared before the archbishop at Cawood and produced letters certificatory that the inquiry had been made.

49. The dean of Craven and perpetual vicar of Gargrave to the archbishop. They had found by inquiry that the tithe of corn (*garbarum*) of the whole parish of Mitton was worth £52, of hay 30*s*., of the mills 5*s*., of lambs 3*s*. 6*d*., wool 8*s*.; white tithes 30*s*., calves (*vitulorum*) 10*s*., geese, etc., 10*s*., flax and hemp 12*s*. The three principal oblations were worth 4 marks, money given with blessed bread 6*s*. 6*d*., mortuaries, purifications and small oblations 4 marks, Lenten tithes 26*s*. 8*d*. and wax given at Candlemas 4*s*., plough penny 5*s*. The manor of the rectory with a messuage and 4 bovates in Mitton vill were worth yearly 20*s*. A messuage and 4 bovates in Waddington 13*s*. 4*d*. and Mitton Church paid pensions, giving yearly to the Chapter at York 13*s*. 4*d*. and to a chaplain celebrating in Waddington Chapel 13*s*. 4*d*. Skipton, 8 Aug., 1338.

50. The abbot then asked the archbishop to expedite the appropriation and the archbishop fixed 31 Oct. at Thorpe by York to hear the decree or pronouncement. On that day abbot William appeared and showed a submission concerning the patronage of Mitton Church in the name of the abbot and convent of Cockersand, as follows.

51. The submission of Cockersand to the archbishop in the matter of Mitton Church. Given in the chapter house of Cockersand Tuesday before the Feast of St. Simon and Jude, 1338.

52. The decree of appropriation rehearsing the reasons given in the petition—to take effect on the death or resignation of William of Tatham—a suitable portion to be reserved for a perpetual vicar, viz.: In the area or garden of Mitton Church called Fermerygarth, extending from the bakehouse of the rectory to the church, the abbey to build for the use of the vicar a hall, room, kitchen, bakehouse, brewhouse, stable, granary, grange and other suitable buildings; also 4 bovates of plough land in Mitton vill free of tithe to the abbey; the whole tithe of hay in the vill of Mitton, mortuaries, tithes of

wool, etc., etc. ; and 10 marks sterling payable at Easter and Michaelmas. The abbey was also to defray all ordinary charges on the church, such as a pension of 13*s.* 4*d.* yearly to the Chapter at York and a payment of 13*s.* 4*d.* yearly to a chaplain to celebrate in Waddington Chapel. The vicar was to serve Mitton Church in person or by proxy, find bread and wine for the consecration (*confeccione*) of the Body of Christ and the communion of the parishioners, sufficient light in the choir, to wash the vestments, and bind and repair the books when necessary. Extraordinary charges were to be met, three-fourths by the abbey, one-fourth by the vicar. As compensation to York and a sign of the subjection of Mitton Church an annual pension of 60*s.* was to be paid, of which 40*s.* was to go to the archbishop and 20*s.* to the deacons of the choir of York Church. Then follows the tenor of the submission (*supra* No. 51). Drawn up by John of Barnby on Don, notary public and scribe of the archbishop. Given at Thorpe by York 31 Oct., 1338. Witnesses : William of Shareshull, knight and king's justice, Thomas of Neville, professor of civil law, Adam of Iselbeck, canon of Howden Church, William of Poppleton, rector of Harewood, John of Castleford, rector of half of Hutton Bushell, brother William of Caton, canon of Cockersand, together with John, son of Thomas of Barnby on Don, notary who drew up the document.

53. On 11 Sept. [1370] I (William of Stalmine) went to the chapter house at York before the notary and witnesses given later and found John of Branketre, treasurer and canon of York Church, in the chapter house. By the authority of your letters I asked him for access to the registers to make transcripts of the documents concerning the union, which he willingly gave and the notary took these and put them in public form as follows :

54. The letter of the dean and chapter of York rehearsing the archbishop's letter to the abbot and canons of Cockersand granting them Mitton Church and reserving a suitable portion

for the vicar. Thorpe, 31 Oct., 1338. This the dean and chapter ratified in the chapter house at York, 2 Nov., 1338.

55. All the above was witnessed by William of Stalmine, vicar of Giggleswick Church, and this was his report to Hugh Fabri, the auditor in Rome, handed to brother John of Sallay, proctor and messenger, who carried it to Rome. The witnesses to Stalmine's letters were Richard of Wisbech, notary public, John of Cardeburgh (Scarborough, *ut infra*), John of Stanton, Nicholas of Easingwold, notaries public. Given at Thorpe manor on the dates given above, and witnessed by John of Waltham, official of the court of York, John of Thoresby, canon of York, John of Scarborough, Nicholas Brown of Easingwold and Adam Brokenheved, notaries public, and in the chapter house, besides the above masters, John of Horyz, rector of St. Michael's at Ouse Bridge, John of Norton, advocate of York Court, John of Stanton, Robert of Granow and Nicholas Brown of Easingwold, notaries public ; and Richard of Wisbech, notary, who was present during the whole time, made the transcripts and vouched for their fidelity ; also John of Scarborough, notary, called as witness by William Stalmine in the presence of John of Thoresby, chancellor, and John of Waltham, official, Nicholas Brown of Easingwold, notary, John of Clone, rector of Birkin. John of Scarborough was present when the registers were produced by Nicholas of Burton along with William of Stillington, notary, and John of Louth, clerk, at Thorpe manor 9 Sept., 1370. He vouched for one interlineation.

Also John of Stanton, diocese of Ely, clerk and notary, called as witness by William of Stalmine in the presence of John of Branketre, treasurer and canon of York, together with John of Heryz, John of Norton, Richard of Wisbech, Robert of Granow and Nicholas Brown.

Also Nicholas Brown of Easingwold, clerk and notary, called as witness on 9 Sept. 1370.

56. Instrument by which the abbot and convent of Cockersand appointed as proctor brother John of Sallay, their canon, to be special messenger to present compulsory letters of Hugh Fabri, auditor, to the archbishop of York, his chapter, and others concerned, to demand the necessary transcripts of documents and take them to the Roman Court. Given at Cockersand 13 Aug., 1370.

57. William of Stalmine, rector of Giggleswick and executor by apostolic authority, to the deans of the Christianity of York and Craven. He had received letters from Hugh Fabri which he rehearsed. Bernard de Bugueto, on the complaint of John of Sallay and William of Overton, proctors, had reported to Hugh Fabri that they had been refused transcripts of the necessary documents at York and asked for the issue of letters compulsory which were given at Rome 15 Feb., 1370. The proctor presented the letters to Stalmine and asked him to proceed. He cited Thomas Sotheron at his brother's home, in Mitton Church and in York Church, to appear at Thorpe manor on Monday after the Nativity B.V.M. and in York Church the following Wednesday, for the transcribing of the documents from the York Registers. Drawn up by Richard Wisbech, notary, in Giggleswick Church 23 Aug., 1370, in the presence of Robert Granowe, notary, and Thomas of West Dereham, priest, of York and Norwich dioceses.

58. On Sunday, 25 Aug., 1370, William of Stalmine took the letters compulsory and went to the house of John Sotheron at Mitton. Not finding Thomas there he went to Mitton Church and during the principal Mass cited the absent Sotheron to appear at Thorpe on 9 Sept. and in York Church on 11 Sept. either personally or by proctor. Here follow the letters compulsory of Hugh Fabri directed to the abbot of Sallay and the archdeacon of Richmond, under date 15 Feb., 1370. William of Stalmine on the receipt of the letters asked Richard of Wisbech to draw up a public instrument, in the presence of William of Bosdon, vicar of Mitton, Robert Granow, notary,

John of Titherington and Robert Thurstanson, of York and Lincoln dioceses, and many parishioners.

59. The dean of the Christianity of York acknowledged Stalmine's letter received 30 Aug., 1370. The dean had cited Sotheron aloud in York Cathedral 30 August.

THE CHANTRY OF ST. JOHN THE BAPTIST AT BAILEY

In the documents here printed no mention is made of the chapel and chantry of St. John the Baptist at Bailey, described by the Rev. C. A. Newdigate, S.J., in *Trans. Hist. Soc. Lancs. and Ches.*, New Series, vol. 32 (1916), pp. 118–58; architectural description by Mr. F. H. Cheetham, pp. 159–66.

On 15 Jan., 1328/9, Adam of Walton, rector of Mitton (1292–1329), gave permission to Sir Robert of Cliderhow to have two chaplains in his chapel of Blessed John the Baptist, Bailey, to celebrate divine service therein for ever. In 1330 Robert obtained the royal licence to alienate the manor of Bailey to the canons of Cockersand, the inquest being held at Garstang 29 Sept. The royal assent was given 20 Oct., but for some reason unknown the donation to Cockersand never took effect. The endowment of the chantry was finally made by Henry of Cliderow in 1338, from the Cliderow estates in Dutton and Ribchester, and the two chaplains were reduced to one. Among the witnesses to the enfeoffment at Bailey, 13 Nov. 1338, was Thomas of Surrays or Sotheron. In the ordination of the chantry the patronage was to belong to Henry of Cliderow and his heirs; in their default to the abbot and convent of Sallay. The ordination was dated at Cawood, 15 May 1339, and two days later was registered the formal institution of the first chantry priest.

APPENDICES

A

7 Dec., 1367.—To the abbot of St. Mary's, York, the archdeacon of East Riding and the official of York. Mandate to summon the abbot and convent of Cockersand, and others concerned, touching the church of Mitton, void by the death of William of Tatham, although the abbot and convent occupy it on the pretext that it has been appropriated to them. If the church is void, it is to be given to Thomas Sotheron, who is to resign that of Monnesley, i.e. Mundesley, in the diocese of Norwich.

B

12 Nov., 1412.—Dispensation to the abbot and convent of Cockersand to promote all professed canons of the abbey to all sacred orders, on the completion of their twentieth year. Their petition had stated that the abbey lay in the extremity of England and few sought to take the regular habit there.

C

Form of oath taken by a notary *temp.* Clement VI (1342–52). After a pledge of loyalty to the Pope, the notary promises to exercise his office faithfully. He will add or subtract nothing, without the consent of the parties concerned, that may change the substance of a contract. He will refuse to draw up a contract, in which he knows force or fraud to intervene.

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THE FOUNDATION CHARTER OF RUNCORN (LATER NORTON) PRIORY

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MANCHESTER
PRINTED FOR THE CHETHAM SOCIETY
1939

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THE FOUNDATION CHARTER OF RUNCORN (LATER NORTON) PRIORY

INTRODUCTION

I

It has always been known that the priory (later abbey) of Norton near Halton in north-western Cheshire had been originally founded at Runcorn, a mile or so westwards on the banks of the Mersey, by William fitzNigel, constable of Chester, whose son William removed it after a few years to Norton. But neither the editors of the *Monasticon Anglicanum* nor the Cheshire historians from Sir Peter Leycester in 1666 to Ormerod in 1819 and his editor Helsby in 1882 were aware that a copy of fitzNigel's charter of foundation had survived. No register of the house has been preserved and the charter was evidently not one of the many Norton charters which Leycester found "copied out in a long parchment roll of a very ancient character remaining among the evidences of Dutton, 1665" or he would have printed it, as he did a copy of the charter removing the priory to Norton,[1] from this roll. It may well have been thought that, as this charter superseded William fitzNigel's, the latter would have ceased to have value for the members of the house and so been neglected and lost. A transcript of it, however, was discovered in the Chetham Library, Manchester, in the course of the late Dr. William Farrer's widespread search for material bearing upon the history of Lancashire. It was hidden away in one of the many volumes of transcripts of early documents illustrating local history and genealogy upon the compilation of which

[1] Ormerod, *Hist. of Cheshire*, ed. Helsby, i, 691.

the seventeenth-century antiquary Christopher Towneley (1604–74) spent the greater part of his life.[1] When the Towneley collections at Towneley Hall, Burnley, were dispersed in 1883, his "Liber C," which contains our charter, was bought by the Chetham feoffees.

Towneley notes his source for the charter in the margin: "This in the Rolls att Lancaster." The reference is very vague and in any case the rolls are not likely to be still there.

Farrer had the charter transcribed, and the late John Brownbill, who was co-editor with him of the *Victoria County History of Lancashire*, edited the second volume of the *Furness Coucher Book* for this Society and wrote an excellent history of West Kirby and Hilbre, printed a translation with a few comments in the *Cheshire Sheaf* [2] in April, 1903. Some years later Farrer placed the transcript in my hands with a view to publication by the Society, but from one cause or another it has been delayed until the present opportunity presented itself.

2

The charter is undated and its date has been badly confused with that of the removal to Norton. The mistake probably originated with an entry in the *Annales Cestrienses* which dates, perhaps correctly, the foundation of a priory at Norton in the year mcxxxiiij, but ascribes it to William fitzNigel instead of his son.[3] The author of the fourteenth-century *Fundatorum Progenies* of the priory, a little better informed on its history, seems to have assumed that the annalist's only mistake was in writing Norton for Runcorn and, slightly misreading his date as 1133, ascribed the first foundation to that year.[4] He was copied by all later writers until the discovery of fitzNigel's charter, except that Leycester mentioned

[1] *Dict. of Nat. Biography.* [2] Third Series, v, 28.

[3] Ed. R. C. Christie, Rec. Soc. for Lancs. and Chesh., xiv (1887), p. 20.

[4] *Mon. Angl.*, vi, 315. *V.C.H. Lancs.*, vii, 238, repeats the error but gives the annalist's date 1134 correctly.

an alternative date 1135 given in a copy of the "Historia Aurea" of John of Tynemouth and was followed by the nineteenth-century editors of the *Monasticon*.[1] The removal to Norton was vaguely placed "under Stephen."

Fortunately the date of the Runcorn foundation is fixed within fairly narrow limits by the mention in the charter that it was suggested by bishop Robert de Limesey (*d.* 1117), whose diocese of Coventry and Lichfield included Cheshire, and consented to by Richard, earl of Chester (1101–20). Brownbill placed it "about 1115," no doubt because Richard did not come of age until that year. The constable's recognition that the first suggestion of his foundation came from the bishop of the diocese and that it had his confirmation has a certain interest in its bearing upon the attitude of the episcopate to the monastic movement. Some founders merely acknowledge the "advice" (*consilium*) of their diocesans.[2] Occasionally the bishop's part is more emphasized. When the Cistercian abbey of Combermere was founded at the other end of Cheshire, a few years later than Runcorn priory, by Hugh Malbank, baron of Nantwich, bishop Roger de Clinton (1129–49) witnessed the charter and at the "pious supplication" of the founder affixed the seal of the bishopric "ad perpetuam rei memoriam et ut praesens donatio et concessio robur obtineat imperpetuum."[3]

A still closer episcopal interest seems implicit in bishop Robert's suggestion and confirmation of the Runcorn priory and in bishop Roger's request (*rogatus*) and advice that it should be removed to Norton.[4] The explanation, we shall see presently, lies in the nature of the community which was in question.

As the grants in the charter are made to the church at Runcorn and the community serving God there, it might be

[1] Ormerod, *op. cit.*, i, 680; *Mon. Angl.*, vi, 312.

[2] E.g. the cases of Lewes Priory (*Mon. Angl.*, v, 12) and Pontefract Priory (*ibid.*, p. 120).

[3] *Ibid.*, p. 324.

[4] Ormerod, *op. cit.*, i, 691.

inferred, as has been done from the similar wording of the Norton charter, that the priory had been in existence for some considerable time before receiving the charter. This is not, however, necessary. It had to be constituted before gifts could be made to it, but the interval need only have been brief. In form the charter is transitional. It is in the main of the new " writ-charter " type which had almost superseded the more elaborate and solemn Anglo-Saxon diploma, retaining only a trace of its preamble in its opening words, and its final imprecation of eternal punishment for all who should violate or infringe it, unless they made amends.

3

The founder of the priory was distinguished from the many other Williams as son of Néel (Latinized Nigellus), but his father is to us a very shadowy figure. He seems to be entirely absent from contemporary record. This is of course imperfect, but the silence is certainly strange in the case of an ancestor of a long and illustrious line of constables of Chester, earls of Leicester and Lincoln, earls and dukes of Lancaster and kings of England. Where fact was wanting fiction stepped in. In the priory *Progenies* Nigel is said to have come to England with earl Hugh of Chester accompanied by five brothers: Hudardus, Edwardus, Wolmerus, Horswinus and Wolfatus.[1] Leycester quoting " the ancient rolls," [2] but later referring his quotation to the *Monasticon*,[3] writes Edardus and anglicizes the last two names to Horswine and Wolfaith. The earl, having made Nigel his constable and established him at Halton, the new officer, continues the *Progenies*, provided for the brothers; Hudard he made his seneschal and gave him Weston (on Mersey) and Great Aston (Aston by Sutton). He was ancestor of all the Duttons. To Edward he gave two oxgangs in Weston " now held by the heirs of William, son of Ranulf," to Wolmer and Horswine he gave a certain estate

[1] *Mon. Angl.*, vi, 315. [2] Ormerod, *op. cit.*, i, 689. [3] *Ibid.*, p. 690.

in Runcorn which William fitzNigel later gave to the priory. Wolfaith was a priest and received from him the church of Runcorn which also was transferred to the priory.

The untrustworthiness of these monastic pedigrees in their early steps is notorious and though Hudard, more correctly Odard, was a historical person, a knight of the constable and ancestor of the Dutton family,[1] there is no evidence that he was uncle of William fitzNigel [2] and the other names in themselves refute the story for they are English not Norman and apparently imaginary.[3] It is significant that there were slightly different versions of the story, one of which made Horswine the priest and Wolfaith (A.-S. Wulfhaeth) ancestor of the Hattons of Hatton, near Daresbury, which was of the Halton fee. In the Hatton case the fable clearly originated in a desire to rival the Duttons in the possession of a known ancestor who "came over with the Conqueror."

It is noteworthy that no attempt is made in the *Progenies* to identify the Norman family of Nigel. It was not until the sixteenth century that unscrupulous heralds linked him up with the vicomtes of the Cotentin whose seat was at Saint-Sauveur near Valognes. This affiliation seems first to appear in print in Henry Peacham's *The Complete Gentleman*.[4] Nigel is there said to have been son of Ivo, viscount of Cotentin, by a sister of a (misnamed) count of Brittany. Accordingly Ivon, viscount of Cotentin in Normandy, heads the Hatton pedigree as father of Wolfrid alias Wolfaith by Emma, daughter of Geoffrey, count of Bretagne, by Hedwige, daughter of Richard

[1] *Domesday Book*, i, 266, 267*b*; *Domesday Survey of Cheshire*, Chetham Soc., N.S., **75**, pp. 169, 171, 173, 211. He was a knight of William fitz Nigel, but held Dutton of the earl.

[2] Leycester long ago pointed out that the *Progenies* says that Nigel was accompanied by five brothers, but does not say they were his (Ormerod, *op. cit.*, i, 643).

[3] A Dun[ning], son of *Wlmar*, witnesses a charter 1141–3, but in another charter of the same period he is called son of *Wluer*, i.e. Wulfhere (*Chartulary of St. Werburgh's, Chester* (Chetham Soc., N.S., **79**, pp. 56, 234)).

[4] P. 189, quoted in Ormerod, *op. cit.*, i, 690 (from Leycester).

I, duke of Normandy.[1] The character of this pedigree is sufficiently indicated by the fact that Wolfaith is made father of William de Hatton, the first of his name, living in 1230. Helsby incredibly suggested identification of Wulfric, the male ancestor of the Croxtons of Croxton, with Wolfaith.[2] He was less critical than Leycester, who thought that the affiliation of Nigel to the vicomtes of the Cotentin needed further inquiry.[3] Such inquiry, by whom made seems unrecorded, strengthened the assumption by the discovery that though there was no vicomte of the Cotentin named Ivo in the eleventh century, there were actually two Néels, the younger of whom held the office from 1042 to 1092. He was, of course, hailed as the father of William fitzNigel and as the first baron of Halton and constable of Chester. But, as the great French scholar, Leopold Delisle, pointed out in 1867, there is no evidence, other than Wace's "Roman de Rou" and a list of the followers of the Conqueror drawn up to exalt the Mohuns of Dunster Castle, that Nigel the vicomte took part in the Conquest of England.[4] Had he been the first baron of Halton and constable of Chester, as the Cheshire historians have assumed, he would have held these positions in 1086 when Domesday Book was drawn up, for he lived six years longer, but William fitzNigel held both at that date.

There are only two well-established facts about William's family: (1) he had a brother Richard who witnessed several charters with him in the time of the first three earls of Chester.[5] The names of five sons of Nigel the vicomte are known, but they do not include a Richard; (2) Walter de Gant (Ghent), a great baron in Lincolnshire, Nottinghamshire and Yorkshire,

[1] Ormerod, *op. cit.*, i, 744.

[2] *Ibid.*, iii, 210 *n.*

[3] *Ibid.*, i, 690, where also he expresses disbelief that Nigel was Constable of Chester.

[4] *Histoire du Chateau et des Sires de Saint-Sauveur-le-Vicomte*, p. 21; Leland, *Collectanea*, ed. 1770, i, 202.

[5] *Chartulary of St. Werburgh's*, Chetham Soc., N.S., **79**, pp. 18, 42, 50, 56.

in a charter to Bardney Abbey dated 1115 which William fitzNigel witnessed, describes him as "nepote meo." [1] As William was almost certainly the older of the two, he cannot well have been Walter's nephew. But, besides "grandson," *nepos* had a third and rarer meaning, that of "first cousin." [2] It would seem that William was son of an uncle or aunt of Walter, and as Walter's father Gilbert derived from the Netherlands and his mother, Alice de Montfort, daughter of Hugh de Montfort, one of the Conqueror's most favoured barons, from mid-Normandy, taking their name from Montfort-sur-Risle, this single piece of evidence is fatal to the alleged connexion with the Cotentin, already discredited on other grounds.

The name of William fitzNigel's wife is not recorded. He had a son William who succeeded him, and two daughters, Agnes and Maud, who married Eustace fitzJohn and Albert Grelley (II), respectively, and on the death of their brother without issue shared his estates between them. FitzNigel probably died before Michaelmas 1130.[3]

4

The community which William fitzNigel established at Runcorn and described in his charter as one of "canons serving God according to a rule (*regulariter*)" was an early product of a religious movement for the reformation of the clerical office which had begun on the Continent in the latter part of the eleventh century. Regular canons, as distinguished from secular canons, lived a common life by rule, just as monks did, but it was less severe, for they were all in holy orders, which few monks were, and while the monastic ideal was one of complete withdrawal from the world, that of regular

[1] *Mon. Angl.*, i, 629*b*.

[2] Ducange, *Glossarium*, s.v.; Farrer, *Honors and Knights' Fees*, ii, 201; *V.C.H. Lancs.*, i, 298. The former corrects an error in *Early Yorkshire Charters*, ii, 433.

[3] *Pipe Roll 31 Henry I*, p. 88.

canons was, in the early communities generally and always in some, one of active service. They were forbidden to become monks.[1] The movement reached England in the reign of Henry I and spread like wildfire. Some fifty such communities were set up, the best known being Queen Maud's foundation of Christ Church, Aldgate (1108), and Rahere's of St. Bartholomew's Priory, Smithfield, in London, that of St. Mary Overy's Priory in Southwark, now a cathedral, and the king's chapter in the new cathedral of Carlisle, which remained the only episcopal church served by regular canons.[2]

The rule they observed, which was not perhaps officially recognized until the Lateran Council of 1139, was drawn from a letter of advice sent by St. Augustine to a house of nuns in his diocese, probably in A.D. 423.[3] They were distinguished, therefore, from other orders of regular canons which came into existence, as Augustinian or Austin canons, or from the colour of their dress as Black canons.

Runcorn Priory was the first and, except the small and short-lived priory of Mobberley founded at the end of the twelfth century,[4] the only house of Austin canons in Cheshire. There were four in Lancashire, but Conishead, Cartmel and Burscough were not founded until the second half of the twelfth century and Cockerham early in the thirteenth.[5]

Regular canons sometimes replaced secular canons in collegiate churches, or a rector in an ordinary parish church, but more commonly a new church was built for them. There is documentary evidence, it will be seen presently,[6] that the last was the course adopted at Runcorn, though it has always hitherto been supposed that he placed his canons in a pre-existing parish church.

The priory church was dedicated to St. Mary and St. Bertelin.

[1] *Mon. Angl.*, vi, 39 ff.
[2] Tanner, *Notitia Monastica* (1787), Preface, pp. v, xi.
[3] E. Speakman, *Owens College Historical Essays* (1907), pp. 57 ff.
[4] Ormerod, *op. cit.*, ii, 419, 421 ff.
[5] *V.C.H. Lancs.*, ii, 140–53.
[6] *Infra*, p. 16.

This obscure saint, who is assigned to the eighth century and whose day was 9 September, is not mentioned in early lists and only occurs in literary sources in an anonymous biography, written after 1386, which first appears in the *Nova Legenda Anglie* printed in 1516.[1] Bertelin is said to have been son of a king in what is now Staffordshire. In the flower of youth, deserting worldly vanities, he became a hermit in an island then called Bethnei, but later Stafford, where he died and his body was honourably buried ; and there in ancient times his memory was preserved with veneration. The story is rather vague and he has been confused with Beccel (Beccelinus, Bettelinus), one of St. Guthlac's hermit companions on the site of Crowland Abbey in the Fens.[2] But the fact that Barthomley church near Crewe, which is dedicated to him, and now the only church that is, is close to the Staffordshire border may perhaps be regarded as some confirmation of his historical existence. It is not surprising that at an important centre like Runcorn the name of this rather shadowy saint should have early been exchanged for the somewhat similar sounding but far more popular Bartholomew, while it survived in purely rural Barthomley.

Leycester says that in his day Runcorn church was dedicated to All Hallows,[3] and, if this is not a slip, there must have been one of those re-dedications which were not uncommon, but which in this case did not last.

The joint dedication of the new priory church to so obscure a local saint as St. Bertelin suggests that there was already a church or chapel in Runcorn of which he was the patron. Otherwise a better-known saint would surely have been chosen. This is at least stronger evidence than that offered by Leycester. With less than his usual acumen, he accepted the story of Wolfaith being made priest of Runcorn in the

[1] Ed. C. Horstman, Oxford 1901, i, 162–7. Cf. pp. xvii, xxvii.
[2] *Acta Sanctorum* (Bollandists), September, iii, 446 ff. See *infra*, p. 24.
[3] Ormerod, *op. cit.*, i, 674.

Conqueror's time as proof of the early existence of its parish.[1] If until now it had only a chapel of St. Bertelin in the large parish of (Great) Budworth, bishop Robert's motive in suggesting the foundation of the priory may have been to provide more adequately for an outlying and important part of the parish. But a charter of Albert Grelley (III) rather implies that it was already a parish church with a chapel at Daresbury.[2]

Regular canons of a new foundation, like monks, were drawn from some earlier house with which perhaps the founder had some connexion. It is not unlikely that the Runcorn canons came from the new priory of Austin canons at Bridlington which William fitzNigel's cousin, Walter de Gant, had founded before 1114.[3] William held lands under the earl of Chester in that neighbourhood and was himself a benefactor of Bridlington Priory, giving the church of Flamborough.[4]

5

The new priory at Runcorn, though probably not large, could not be provided with buildings and maintained without a considerable endowment. The founder was certainly in a position to furnish this. As the chief military officer of the viceregal earl of Chester he was himself handsomely endowed. His possessions and influence extended far beyond the borders of the earldom. In Cheshire he had thirty manors, a few of which lay round Chester and in Wirral, but the rest more compactly in the north-west of the county, especially in the angle between the Mersey and the Weaver. Here at Halton was his castle looking down upon Runcorn and its new priory. He held too both sides of Runcorn Gap where the Mersey narrows before widening into its estuary. Unrecorded grants

[1] Ormerod, *op. cit.*, i, 674. [2] *Ibid.*, i, 732*b*.

[3] Farrer, *Early Yorkshire Charters*, ii, 445, No. 1151.

[4] *Ibid.*, ii, 193. He also gave land in Buckton there to the Austin priory of Nostell near Pontefract (*Mon. Angl.*, vi, 92). Norton Abbey had " alms " in Sewerby (Ormerod, *op. cit.*, i, 686) in Bridlington parish, but this must have been given by some successor of his.

had bestowed upon him a compact line of manors running north-westwards from Widnes and Cuerdley nearly half-way to the Ribble estuary and a curious isolated holding at Staining, north of Preston. It would seem that there had been some agreement between the lords of Lancaster and Chester for the defence of the Mersey hinterland.[1]

Beyond the Lyme, as the inhabitants of these frontier districts called the Pennines, earl Hugh had had great estates in what Cheshire men distinguished as England, in many counties extending eastwards to Yorkshire and Lincolnshire and southwards to Dorset and in some of these he had enfeoffed his constable. William fitzNigel may also have acquired others by marriage.

It was from these landed possessions that the endowment of the priory had to come. There was little accumulation of money in the twelfth century, for, outside the boroughs, there was practically no form of investment except in land and its appurtenances. The taking of interest was condemned by the Church as usury. It is true that fitzNigel's gifts to the priory included six churches, those of (Great) Budworth in Cheshire, some five miles south-east of Halton, (Castle) Donington in Leicestershire, Ratcliffe on Soar and Kneesall in Nottinghamshire, Burton in Lindsey, now Burton upon Stather, in North Lincolnshire and Pirton in Oxfordshire, which may seem an exception to what has been said, but if their rectorial revenues were already appropriated to the use of the priory[2] as most of them at any rate were later—which could only be done with episcopal consent and subject to the appointment of vicars—these revenues were mainly or largely derived from glebeland and tithe. Only when the gift was as yet limited to the advowson would a purely money payment (*pensio*) accrue to the priory.

Other ecclesiastical revenues which patrons of churches in

[1] See the map in *V.C.H. Lancs.*, i, between pp. 290 and 291 and the explanation on p. 298. [2] For evidence against this, cf. p. 16, *n.* 1.

that age claimed to dispose of as their property were the tithes due from the land they kept in their own hand, their demesne, and from their mills. Two-thirds of the demesne tithes of four manors in Cheshire, Barrow (near Tarvin), Sutton (Guilden Sutton near Chester) [1] and Stanney and Raby both in Wirral with the same proportion of those of Staining in North Lancashire [2] formed part of the priory's endowments. Tithes of mills were given at (Castle) Donington, Ratcliffe on Soar (in part), Kneesall and the neighbouring Ollerton. Mills themselves were granted at Halton and Barrow and a quarter of the mills at Ratcliffe on Soar. The amount of agricultural land bestowed was not very great. Judging from the valuations made at the Dissolution, church tithes were more profitable than arable land and its appurtenances. In 1537 they yielded more than half the income of the house from all sources, although it had parted with the church of Ratcliffe on Soar in the fourteenth century. Its original endowment included in Cheshire one and a half ploughlands at Clifton, apparently Clifton near Weston, a mile south of Runcorn, though it appears in the charter after the grants beyond the Lyme, two oxgangs in Halton, and one in Thelwall beyond the Mersey; two in Widnes and three ploughlands in Staining beyond the Ribble, which was half of that vill; in Leicestershire one and a half ploughlands at Donington and its hamlet of Wavertoft. In all six ploughlands and five oxgangs. As the ploughland (*carucata*) contained eight oxgangs and the oxgang 15 acres, the total acreage of these scattered parcels was just short of 800. To this, however, has to be added the arable of Runcorn for which no figure is given, but it seems to have been three ploughlands.[3]

Rights of common in the lord's woods and pastures, etc.,

[1] Ormerod, *op. cit.*, i, 686; *Mon. Angl.*, vi, 314.

[2] Then a separate township, since absorbed in Hardhorn-cum-Newton (par. Poulton le Fylde). See *V.C.H. Lancs.*, vii, 238.

[3] See *infra*, p. 15.

at Halton and at Appleton and Cuerdley in his Widnes lordship were granted, together with a moiety of his fisheries at Halton and at Thelwall where a fisherman (*piscator*) was included. A house (*mansura*) was given at Halton and at Chester, probably for the accommodation of the canons when consultation with the lord was necessary or the management of their manors required a visit.

The under-tenants of the founder of a religious house were naturally expected to contribute to its endowment, but when its charter was drawn up Runcorn Priory had not yet benefited much. Hugh, son of Odard, ancestor of the Duttons, who lived at Keckwich,[1] two miles east of Runcorn, gave a furlong vaguely described as between Runcorn and Weston and with his brother Gilbert a mill at Walton between Keckwich and Warrington. This seems to be the earliest record of Dutton tenure at Walton. The Thurstan who granted to the canons two-thirds of his demesne tithes of Sutton " beyond Mersey," in the parish of Prescot, which was in the Constable's Widnes fee, seems only to be known from this charter.

6

The priory had not been in existence more than about twenty years at the most when it was removed to a new site, for we may accept the Cheshire annalist's date of 1134 for the refoundation at Norton, although he confusedly ascribes it to William fitzNigel. FitzNigel had in all probability died about four years before, and the removal to Norton was undoubtedly the work of his son and successor, William, whose

[1] It was here that he was visited " in infirmitate sua " by his lord with his son and heir William and a troop of witnesses and his son Hugh was invested with the lands which his father had held as a knight of the Constable, as Odard had before him. The sick man surrendered his hauberk (*lorica*) and war-horse (*dextrarium*) and a palfrey and hawk (*nisus*) were given to the lord's son. Ormerod, *op. cit.*, i, 690, *n.e.* This very interesting record seems to have escaped the notice of feudal historians. (See, e.g., F. M. Stenton, *English Feudalism, 1066–1166*, pp. 14–15.)

charter has been preserved and was printed by Leycester in 1666.[1]

That religious houses were not infrequently transferred from their original sites to new ones is well known. A striking local instance is the removal towards the end of the thirteenth century of the Cistercian abbey of Stanlaw, some miles farther down the Mersey than Runcorn, founded about 1178 by John, constable of Chester, a great-grandson of William fitzNigel, to a distant site at Whalley in Lancashire. A more extreme case is that of Byland Abbey in Yorkshire, also a Cistercian house, which was three times removed before the monks were satisfied.[2] The reasons given for such changes varied. Some orders prescribed a minimum distance between their monasteries and the objection of the Byland monks to one of their sites is said to have been that they could hear the bells of their Cistercian neighbours at Rievaulx. More commonly the original site was found inconvenient or even dangerous. Hardships which had attracted the first enthusiasts became grievances to their less zealous successors. The monks of Stanlaw had, no doubt, good reasons for abandoning their desolate and sea-beaten rock, but though the site of Runcorn Priory was low-lying, there is no suggestion that it was subject to inundation. In the charter of removal the initiative is ascribed to the bishop, Roger de Clinton, but he may have been influenced by the wishes either of the canons or of the representative of the founder, or of both. The canons may have been desirous, or at least quite willing, to move to higher, healthier and more spacious surroundings, the bishop may have considered that the parochial needs of Runcorn and its neighbourhood would be adequately met by a canon serving as vicar with occasional assistance from the new priory, while the lord perhaps felt that his father had made a serious mistake in alienating to a religious body so important a point as Runcorn, the gate to his possessions beyond the Mersey. This last may

[1] Ormerod, *op. cit.*, i, 691.

[2] *Mon. Angl.*, v, 346, No. I.

indeed have been the real underlying motive for the change. Whether this was so or not, an exchange was effected. The manor of Norton to the east of Halton was transferred to the canons in exchange for seven ploughlands of their existing endowment.[1] Three of these were at Staining, which in any case, owing to its remoteness, was an inconvenient property.[2] One and a half are said to be at Aston, but they are evidently the holding of that amount at Clifton included in fitzNigel's original charter. There seems to have been an error of transcription in one or other of the charters, the easier because the Norman pronunciation spelling of Clifton was Clistona. That Clifton is the correct reading in both charters may be taken as certain, for Aston, i.e. Mid-Aston or Middleton in Aston by Sutton, about two miles south of Halton, was held by the canons at the Dissolution.[3] It must have been acquired after the date of the charters. The remaining two and a half ploughlands of the seven surrendered by the priory in exchange for Norton were evidently in Runcorn where the canons only retained the church, four oxgangs of land, i.e. half a ploughland, and a fishery belonging to the church. Runcorn was therefore a manor of three ploughlands, which supplies a figure omitted in fitzNigel's charter.

Apart from the alterations involved by the exchange the new charter is, *mutatis mutandis* and with some slight variations of wording and the substitution of Dathan and Abyron for the Devil and his Angels in the imprecation, almost a copy of that printed below. The grants of under-tenants are, however, confirmed generally without the specification of the earlier charter. The list of witnesses as printed contains only five names and is doubtless imperfect. Four of the five had wit-

[1] This figure is not in the constable's charter but is given in Henry II's confirmation (*Mon. Angl.*, vi, 314).

[2] It was given by John de Lacy, constable of Chester (1211–40), to Stanlaw Abbey (*V.C.H. Lancs.*, vii, 238). Norton, however, retained its two-thirds of the demesne tithes for some time at any rate by William's charter.

[3] Ormerod, *op. cit.*, i, 686, 707.

nessed fitzNigel's grant, which perhaps argues for no great interval of time having elapsed.

In its new home at Norton the priory church was dedicated to St. Mary alone, St. Bertelin or St. Bartholomew, if the change had already been made, being left as the sole invocation of the parish church of Runcorn and a number of neighbouring townships. This was served in later times by vicars who usually were canons of Norton. The rectorial tithes were taken by the priory and in 1537 were worth over £50 a year, a large sum at that date.[1]

The transference of the community to Norton was apparently not immediate. The provision of new buildings took time. A curious chance has preserved an abstract of a deed which shows that the church was not finished until after the death of the founder which occurred in Normandy before 1149 at latest.[2] His brother-in-law, and successor as constable of Chester, Eustace fitzJohn, a great Yorkshire baron, who had married his elder sister Agnes, granted pasture for a hundred sheep to one Hugh de Cathewik upon condition that he made a final end of building the church of Norton in every part according to the first foundation of William fitzNigel.[3] Ormerod suggests that Cathewik (misprinted Cathewiz) may be a clerical error for Keckwich near Norton, but there is a Catwick near Beverley and Hugh may have been employed on the great church there. It would appear from the mention of fitzNigel that the new church was built on the plan of the old one at Runcorn.

The list of early priors of the house is imperfect. Helsby quotes from William Beamont's *History of Halton and Norton* (1873) a statement that the first prior at Runcorn was named Richard, but this seems doubtful.[4]

[1] Ormerod, *op. cit.*, i, 686. For a rector in 1346, see *ibid.*, i, 679.

[2] So Farrer, *Lancs. Pipe Rolls*, p. 319; cf. *V.C.H. Lancs.*, ii, 186–7.

[3] Tanner, *Notitia Monastica* (1787), s. Cheshire-Norton (from a Cox Macro MS.).

[4] Ormerod, *op. cit.*, i, 682.

7

Little is known of the history of the house during the later Middle Ages. As has been seen, no register is extant, and our knowledge is confined to a few entries in the Lichfield diocesan registers and the plea rolls of the county. In 1313 a canon of Trentham in Staffordshire, an Austin priory, was appointed prior of Norton which may mean either that there was no one suitable for the post among the canons or that they were divided in their choice. In 1358 the advowson of their church at Ratcliffe on Soar was granted, i.e. no doubt sold, to John of Winwick, a wealthy royal official, who perhaps intended it as part of the endowment of his family chantry in Huyton Church near Liverpool.[1] Between 1379 and 1399 the priory was raised to the rank of abbey.[2] In the early years of Henry VI's reign discipline in the abbey seems to have been at a low ebb. In 1427–8 four of the canons were indicted for taking part with many others, including a knight and numerous gentlemen, "in divers tustles," and in 1430 another canon was outlawed for divers felonies.[3]

The abbey was dissolved in 1536. In the *Valor Ecclesiasticus* its gross income in 1535 was given as £258 11*s.* 8*d.* and the net revenue as £180 7*s.* 6*d.*,[4] sums which of course must be multiplied many times to represent modern values, and the first Minister's Account (1537) after the abbey was taken into the king's hand shows that they were underestimated. The total receipt was £343 13*s.* 7¼*d.*[5] The figures well illustrate the value to a religious house of churches appropriated to its own uses. Norton had now five, Budworth, Runcorn, Pirton,

[1] Tout, *Chapters in Administrative History*, v, 35–6, 96.

[2] Ormerod, *op. cit.*, i, 646, 683. But the list of Runcorn vicars (p. 679) does not prove that Richard, prior in 1379, was the first abbot, as suggested here.

[3] Ormerod, *op. cit.*, i, 682.

[4] *Mon. Angl.*, vi, 313.

[5] Ormerod, *op. cit.*, i, 686. A more correct transcript than that in the *Monasticon* (vi, 317) which *inter alia* omits the rectory of (Castle) Donington.

(Castle) Donington and Burton on Stather, the rectorial tithes, etc., of which yielded respectively £82 2*s.* 8*d.*, £50 15*s.*, £26, £20 and £6, in all more than half its gross revenue.

The site of the abbey and a large part of its possessions were sold in 1545 to a Richard Brooke, a younger son of Thomas Brooke of the Brook in Leighton near Nantwich. Richard had taken vows as a knight of Malta in 1531, but on the suppression of that order in England in 1541 had been released from them and married Christian, daughter of John Carew of Haccombe near Newton Abbot in Devon.[1] The domestic buildings of the abbey were adapted as a residence and their descendants lived there until a comparatively recent date. The church was pulled down. The rather rambling old house in the form it had assumed by 1727 was figured in one of the Bucks' engravings,[2] with a very inaccurate account of the early history of the abbey, but was later replaced by a typical Georgian four-square house, only differentiated by a porch contrived out of the original Norman gateway of the priory. This house itself, after being abandoned by the family, was demolished in 1928.[3]

The rectories were not included in the sale to Richard Brooke. The three most valuable ones were granted to the Dean and Canons of Christ Church, Oxford, and still remain part of its endowment.

[1] Ormerod, *op. cit.*, i, 680. [2] Reproduced *ibid.*, opposite p. 682.
[3] *Manchester Guardian*, 9 June 1928, with photograph.

Chetham Library, Manchester, Towneley MS. C 8.8, pp. 65–6 (pages not numbered after 61).

In nomine patris et filii et Spiritus Sancti Amen. Noscat presencium pietas et in seculum successura posteritas quod ego Willimus Cestriae constabularius do ecclesiae Sancte Mariae et Sancti Bertel[ini] de Runcona et canonicis ibidem Deo regulariter servientibus eandem Runconam in elemosina cum omnibus ad eam pertinentibus in nemore, in plano, in agris, in pascuis, in aquis et do predictae ecclesiae ad necessaria canonicorum molendinum de Haltona et medietatem omnium piscariarum quae ad Haltonam pertinent, communitatem etiam nemorum, pascuorum [et] aquarum ad Haltonam pertinentium canonicis et hominibus suis. Concedo etiam medietatem totius piscariae meae de Thelewella et unam bovatam terre ibidem cum piscatore, et duas bovatas in Withnesse cum communitate nemorum et pascuorum quae ad Apeltonam [1] pertinent sibi et hominibus suis in Withnesse pertinentibus et [2] manentibus. Concedo etiam communitatem nemorum et pascuorum de Cunnesdelea [3]; et duas bovatas in Haltona cum una mansura; et molendinum de Baro et duas partes dominicarum decimarum in eadem villa; et duas partes dominicarum decimarum in Suttona; et duas partes dominicarum decimarum in Staningas et medietatem eiusdem villae, hoc est tres carucatas; et duas partes dominicarum decimarum in Stanea et similiter in Rabi; et unam mansuram in Cestria; et ecclesiam de Budeswurda [4] et ecclesiam de Dunintona, et

This in the Rolls att Lancr.

[1] Misprinted Pultonam in the charter of removal to Norton (Ormerod, *op. cit.*, i, 691) henceforth for shortness called B.

[2] B. omits pertinentibus et. [3] Cuerdleia, B. [4] Buddewurth, B.

decimam molendini eiusdem villae, et unam carucatam terrae de dominico in eadem villa, et in ipsa parochia Wavertot [1] quae [2] deputatur pro dimidia carucata terrae, in Leicestriasira ; et ecclesiam de Radecliua et quartam partem molendinorum et decimas reliquarum trium partium in eadem villa ; et ecclesiam de Chenessala [3] et decimas molendinorum eiusdem villae quae sunt iuxta Sudewellam,[4] et decimam molendini de Alretona et ecclesiam de Burtona in Lindesi [5] et ecclesiam de Perintona [6] in Ocsinefortsira,[7] et carucatam et dimidiam terrae in Cliftona, hoc est medietatem villae. Omnia autem quae ab hominibus meis data sunt, videlicet molendinum de Waltona quod Hugo filius Odardi et frater eius Gilbertus [dederunt] in elemosina de quolibet [8] ; et unam culturam terrae inter Runconam et Westonam quam predictus Hugo dedit et duas partes dominicarum decimarum in Suttona trans Merce [9] quas Thurstinus dedit, vel quae inposterum danda sunt pro salute animarum eorum concedo. Hec autem feci, suggerente et confirmante Roberto de Limsi, Cestrensi episcopo, et consensu et concessu Ricardi comitis, pro salute Hugonis comitis animae, et pro salute animae Ricardi comitis, et pro salute animae meae et uxoris meae, et pro salute animae patris mei et matris meae, et filiorum et filiarum meorum, fratrum et sororum, et omnium antecessorum et posterorum meorum. Hanc vero elemosinam ita ab omnibus serviciis et consuetudinibus, placitis et quaerelis liberam et quietam concedo sicut ulla elemosina melius et liberius dari debet et potest. Quicunque vero hanc elemosinam adauxerit vel manutenuerit per participationem illius ecclesiae beneficiorum consequatur

[1] Waver Toft, B.
[2] Quod, B.
[3] Cneshall, B.
[4] Sitellam, B.
[5] Lindeseia, B.
[6] Piritona, B.
[7] Oxenfordshira, B.
[8] quilibet, MS. There seems to be a dislocation in the text at this point. The words " in elemosina de quolibet " should probably have come after ' data sunt."
[9] I.e. Mersey.

regna coelorum. Qui autem hanc in aliquo violaverit [1] vel infringere temptaverit [1] cum Juda et Pilato, cum Diabolo et Angelis [2] suis eternis subjaceat penis nisi ad emendacionem et satisfactionem venerit.[1] Testibus: Willimo dapifero Hervei filio et Roberto Radulphi filio et Hugone Odardi filio et Gilberto fratre ejus et Willimo capellano et Roberto Petri filio et Nigello Ansgodi filio et Alfredo Unfridi filio et Hugone Brothestorn (?) et Ricardo de Cheneshala et Ranulpho venatore comitis, Godrico decano de Dunnitona et Rogero de Verniz et Hugone Pirun et Edmundo presbytero de Pirintona et Galfrido venatore de Thelewella et Rogero de Barou.[3]

Translation [4]

In the name of the Father and of the Son and of the Holy Ghost Amen. Let the piety of the present and posterity for all time know that I William, constable of Chester, do give to the church of St. Mary and St. Bertelin of Runcorn and the canons serving God there according to their rule the aforesaid Runcorn in alms with all things belonging to it in wood and in open country, in [arable] fields, in pastures and in waters; and I give to the church aforesaid for the necessary uses of the canons the mill of Halton and half of all the fisheries belonging to Halton, together with rights of common in the woods, pastures and waters belonging to Halton to the canons and their men. I grant also a half of all my fishery at Thelwall and an oxgang of land there with the fisherman, and two oxgangs in Widnes with rights of common in the woods and pastures belonging to Appleton to them and their men belonging to Widnes and there dwelling. I grant also rights of com-

[1] violaverint, temptaverint venerint, MS. Subjaceat requires singulars and B. has them.

[2] cum Dathan et Abyron, B.

[3] Baron, MS.

[4] Slightly amended from that printed by the late Mr. John Brownbill in *The Cheshire Sheaf*, Third Series, v (1903), 28–9, the use of which was kindly permitted by him and his co-editor, Mr. W. Fergusson Irvine, when I first contemplated publishing the Latin original.

mon in the woods and pastures of Cuerdley and two oxgangs in Halton with a house and the mill of Barrow and two-thirds of the demesne tithes in the same township; and two-thirds of the demesne tithes in Sutton; and two-thirds of the demesne tithes in Staining and half of the same township (i.e. three ploughlands); and two-thirds of the demesne tithes in Stanney and likewise in Raby; and a house in Chester and the church of (Great) Budworth; and the church of (Castle) Donington and the tithe of the mill of the same township and a ploughland of the demesne in the same township, and in the same parish Waverto[f]t (which is reckoned as half a ploughland) in Leicestershire; and the church of Ratcliffe and a fourth part of the mills and the tithes of the remaining three parts in the same township; and the church of Kneesall and the tithes of the mills of the same township which are near Southwell; and the tithe of the mill of Ollerton and the church of Burton in Lindsey; and the church of Pirton in Oxfordshire; and a ploughland and a half in Clifton (i.e. a half of the township). And everything given in alms by my men from any of them, viz. the mill of Walton which Hugh, son of Odard, and his brother Gilbert [gave] and a furlong of land between Runcorn and Weston which the aforesaid Hugh gave, and two-thirds of the demesne tithes in Sutton beyond Mersey which Thurstan gave, or which may in future be given for the salvation of their souls, I grant. These things have I done at the suggestion and with the confirmation of Robert de Limésy,[1] bishop of Chester,[2] and with the consent and grant of earl Richard [of Chester], for the salvation of the soul of earl Hugh and of earl Richard, and of myself and my wife, and of my father and mother, my sons and daughters, my brothers and sisters, and of all my ancestors and posterity.

[1] France, dep. Seine-Inférieure.

[2] Although bishop Robert had in 1102 removed his see from Chester, where it had been fixed since 1075, to Coventry, he and his successors continued to be colloquially called bishops of Chester.

This alms, moreover, I grant as free and quit from all services and customs, pleas and plaints as any alms can be and ought to be granted best and most freely. And may every one who shall increase or maintain this alms, by participation in the benefits of this church attain the kingdom of heaven. And on the other hand, may any one who shall in any point violate or attempt to infringe it be subjected to eternal punishment with Judas and Pilate and with the Devil and his Angels, unless they amend and render satisfaction. These being witnesses [1]: William the steward, son of Hervey, and Robert, son of Ralph, and Hugh, son of Odard, and Gilbert his brother, and William chaplain* and Robert, son of Peter,* and Nigel, son of Ansgot,* and Alfred, son of Humphrey,* and Hugh Brothestorn (?) and Richard of Kneesall and Ranulf, the earl's hunter, Godric, dean of Donington, and Roger de Verniz and Hugh Pirun and Edmund, priest of Pirton, and Geoffrey, the hunter of Thelwall, and Roger of Barrow.

[1] The witnesses being, with one exception, officials, tenants and clergy on the grantor's fief are mostly obscure persons, only mentioned here or, in the four cases asterisked, in the charter of removal of the priory to Norton. Hugh, son of Odard, however, is well known (*supra*, pp. 5, 13) and Alfred may well have been son of the Humphrey whom William fitzNigel had enfeoffed as one of his five knights of Halton, Odard being another (D.B., i, 266).

Ranulf, the earl's hunter, is probably to be identified with Ranulf of Kingsley, whom the first earl Ranulf of Chester had invested with a master-forestership in the forests of Mara and Mondrem (Ormerod, *op. cit.*, ii, 87, 107 ff.; *Chartulary of St. Werburgh's Abbey*, Chetham Soc., N.S., **79**, p. 94, where Henry I should be corrected to Ranulf I).

Note on St. Bertelin (*supra*, p. 9, *n.* 2)

The Crowland episode in the Life of this Staffordshire saint is merely an abbreviation of the passages in the Life of St. Guthlac in which Beccelinus figures, omitting significantly his early attempt on the life of his master, subsequently atoned for, and the fact that he was a clerk (*Nova Legenda Anglie*, ii, 5).

The author of the Life of St. Bertelin evidently considered that Barthomley was named after him, for he locates one of his miracles at Bertelmesley (*ibid.*, i, 162). But the name was never spelt with the possessive " s " and the " m " presents a difficulty which Horstman did not remove by suggesting that the correct reading should be Bertelinesley ! Professor Ekwall derives the name from Beorhtwynn, a woman's name.

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REPORT OF THE COUNCIL FOR THE NINETY-FIFTH YEAR 1937–8.

(56th of the New Series)

Read at the Annual General Meeting held by permission of the Feoffees, in the Audit Room of the Chetham Hospital, Manchester, on Thursday, 5th of May, 1938.

THE Council have the honour to present their Report for the year ended 28th February, 1938, as follows:—

Since the last Annual Meeting on 26th August, 1937, two volumes (Vols. 98 and 99) have been issued to subscribers for the year 1937–8. One other volume is in the press.

Vol. 98, issued last year, was Mr. A. Cantle's "The Pleas of Quo Warranto for the County of Lancaster." This is an elaborate analysis of the seventy pleas held by Edward I's justices in the county in 1292–3 which were based upon writs of *quo warranto* requiring certain persons, boroughs, abbeys and other communities to show by what authority they claimed franchises which were regarded as delegations of royal rights, varying from comparatively small privileges up to the tenure of the Castle and Honour of Lancaster by the King's brother. Such cases give much valuable information regarding feudal, municipal and other institutions as well as upon the genealogies of local families. The volume will have interest for readers outside Lancashire, for although the whole of the *Placita de Quo Warranto* for England have been in print for more than a century Mr. Cantle's analysis seems to be the first of its kind. Vol. 99, Colonel W. H. Chippindall's "History of Whittington," issued last month, is the third and most important of the histories of parishes and townships in North Lancashire which he has contributed to the Society's publications in recent years. Whittington, the head of Earl Tostig's great lordship of fifty-three carucates before the Conquest, is a parish containing two townships and Whittington township formerly contained at least three manors. The early history of two of these has hitherto been obscure and Colonel Chippindall is to be congratulated upon finding the solution which had escaped the editors of the *Victoria County History.*

Other volumes ready or in preparation are:—

(1) *Lancashire Maps,* by H. Whittaker. (*In the Press.*)

(2) *Chetham Miscellanies,* Vol. VII, containing *inter alia* "Thomas Sotheron *v.* Cockersand Abbey: A suit as to the advowson of Mitton Church" (from the Vatican Library), edited by the Rev. Joseph McNulty, B.A.

(3) *Liber Loci Benedicti de Whalley*, edited by Canon J. E. W. Wallis.
(4) F. Walker, *Historical Geography of South-West Lancashire before the Industrial Revolution.*
(5) Two Hornby Castle documents of the sixteenth century.
(6) The Charters of Lytham Priory.

The membership of the Society at the end of the year comprised 72 individual members and 114 libraries as against 76 and 114 at the end of last year. Three new members have joined the Society, but we have lost four members by death, one has resigned and two memberships have lapsed by non-payment of subscription. There is thus a net loss of 4.

The death of Mr. W. Asheton Tonge and of Professor G. W. Daniels has deprived the Council of two of its most valued members. Mr. Tonge had been a member for twenty-one years and was one of the most regular attendants at our meetings during that long period. Professor Daniels had been vice-president since 1925.

We still sadly need more members if the work of the Society is to be effectively carried on. Since the end of the year under review we have already lost two members by death and two have resigned. The loss of our energetic and genial president, Colonel John Parker, is deeply felt.

RECEIPTS AND PAYMENTS ACCOUNT FOR THE NINETY-FIFTH YEAR ENDED 28TH FEBRUARY, 1938.

RECEIPTS.

Balance brought in		£236 18	4
Subscriptions received :—			
Year 95. 1937–8	£164		
Arrears	5		
In advance	11		
		180 0	0
Dividend and Interest received :—			
L.M. & S. Rly. 4 per cent. Pref. Stock	£4 10 9		
War Loan	28 0 0		
		32 10	9
Bank Interest		14	0
Income Tax recovered		1 8	6
Proceeds of Sale of Books		10 0	0
		£461 11	7

PAYMENTS.

Printing and Binding :—			
Balance Volume 96	£47 16 8		
Volume 97	134 10 11		
Volume 98	108 5 10		
Payment on A/c re Volume 99	100 0 0		
		£390 13	5
Printing and Stationery		1 19	0
Postage, etc., and Carriage		30 15	4
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Subscription :—			
British Records Assn. Year 1938		1 0	0
Balance Forward		34 17	10
		£461 11	7

DETAILS REFERRING TO 95TH YEAR.

Members on Register :—	
Individuals	72
Libraries	112
,, Free	2
Total	186

Subscriptions paid and due, Year 95 :—			
Paid in advance during 1936/7			17
Paid in advance during 1937/8			164
In arrears			4
Free			2
			187
Less subscription of deceased member			1
			186

ASSETS.

ASSETS.	COST.	PRESENT VALUE.
£800 3½ per cent. War Loan	£810 16 1	824 0 0
£150 L.M. & S. Rly. 4 per cent. Pref. Stock	120 0 0	116 0 0
Balance at Bank	34 17 10	34 0 0
	£965 13 11	£974 0 0

Audited and found correct,
(*Signed*) E. A. RADFORD, EDWARDS & CO.,
Chartered Accountants,
Manchester.

31*st March*, 1938.

Chetham Society

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